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*Prof. J. B. Ames*

Received *Oct. 25, 1905,*











cf

ANNUAL REPORT

OF THE

AMERICAN HISTORICAL ASSOCIATION

FOR

THE YEAR 1904.



WASHINGTON:  
GOVERNMENT PRINTING OFFICE.  
1905.

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*Rec. Oct. 25, 1905*

## LETTER OF SUBMITTAL.

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SMITHSONIAN INSTITUTION,  
*Washington, D. C., March 18, 1905.*

*To the Congress of the United States:*

In accordance with the act of incorporation of the American Historical Association, approved January 4, 1889, I have the honor to submit to Congress the annual report of that Association for the year 1904.

I have the honor to be, very respectfully, your obedient servant,

S. P. LANGLEY,  
*Secretary of the Smithsonian Institution.*

Hon. CHARLES W. FAIRBANKS,  
*Vice-President of the United States.*

## ACT OF INCORPORATION.

---

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Andrew D. White, of Ithaca, in the State of New York; George Bancroft, of Washington, in the District of Columbia; Justin Winsor, of Cambridge, in the State of Massachusetts; William F. Poole, of Chicago, in the State of Illinois; Herbert B. Adams, of Baltimore, in the State of Maryland; Clarence W. Bowen, of Brooklyn, in the State of New York; their associates and successors, are hereby created, in the District of Columbia, a body corporate and politic, by the name of the American Historical Association, for the promotion of historical studies, the collection and preservation of historical manuscripts, and for kindred purposes in the interest of American history and of history in America. Said Association is authorized to hold real and personal estate in the District of Columbia so far only as may be necessary to its lawful ends to an amount not exceeding five hundred thousand dollars, to adopt a constitution, and to make by-laws not inconsistent with law. Said Association shall have its principal office at Washington, in the District of Columbia, and may hold its annual meetings in such places as the said incorporators shall determine. Said Association shall report annually to the Secretary of the Smithsonian Institution concerning its proceedings and the condition of historical study in America. Said Secretary shall communicate to Congress the whole of such reports, or such portions thereof as he shall see fit. The Regents of the Smithsonian Institution are authorized to permit said Association to deposit its collections, manuscripts, books, pamphlets, and other material for history in the Smithsonian Institution or in the National Museum, at their discretion, upon such conditions and under such rules as they shall prescribe.*

[Approved, January 4, 1889.]

LETTER OF TRANSMITTAL.

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AMERICAN HISTORICAL ASSOCIATION,  
OFFICE OF THE SECRETARY OF THE ASSOCIATION,  
*Washington, D. C., March 18, 1905.*

SIR: In accordance with the act of incorporation of the American Historical Association, I have the honor to transmit herewith a general report of the proceedings of the twentieth annual meeting of the Association held at Chicago, Ill., December 28, 29, and 30, 1904. Several of the papers read and discussed at that meeting are recommended for publication in this report, together with the Justin Winsor prize essay on the Nootka Sound Controversy, and a valuable report by the Public Archives Commission, showing the condition and contents of the archives of several of the States.

Very respectfully,

A. HOWARD CLARK,  
*Secretary.*

MR. S. P. LANGLEY,  
*Secretary of the Smithsonian Institution,*  
*Washington, D. C.*





## CONSTITUTION.

---

### I.

The name of this society shall be The American Historical Association.

### II.

Its object shall be the promotion of historical studies.

### III.

Any person approved by the executive council may become a member by paying \$3, and after the first year may continue a member by paying an annual fee of \$3. On payment of \$50 any person may become a life member, exempt from fees. Persons not resident in the United States may be elected as honorary or corresponding members, and be exempt from the payment of fees.

### IV.

The officers shall be a president, two vice-presidents, a secretary, a corresponding secretary, a curator, a treasurer, and an executive council consisting of the foregoing officers and six other members elected by the Association, with the ex-presidents of the Association. These officers shall be elected by ballot at each regular annual meeting of the Association.

### V.

The executive council shall have charge of the general interests of the Association, including the election of members, the calling of meetings, the selection of papers to be read, and the determination of what papers shall be published.

## VI.

This constitution may be amended at any annual meeting, notice of such amendment having been given at the previous annual meeting, or the proposed amendment having received the approval of the executive council.

# AMERICAN HISTORICAL ASSOCIATION.

Organized at Saratoga, N. Y., September 10, 1884. Incorporated by Congress  
January 4, 1889.

---

## OFFICERS FOR 1905.

---

### PRESIDENT :

JOHN BACH McMASTER, PH. D., LITT. D., LL. D.,  
*Professor in the University of Pennsylvania.*

### VICE-PRESIDENTS :

SIMEON E. BALDWIN, LL. D.,  
*Professor in Yale University, Associate Judge of Supreme Court of  
Errors of Connecticut.*

J. FRANKLIN JAMESON, PH. D., LL. D.,  
*Professor in the University of Chicago.*

### SECRETARY AND CURATOR :

A. HOWARD CLARK,  
*Smithsonian Institution, Washington, D. C.*

### CORRESPONDING SECRETARY :

CHARLES H. HASKINS, PH. D.,  
*Professor in Harvard University.*

### TREASURER :

CLARENCE WINTHROP BOWEN, PH. D.,  
*130 Fulton street, New York.*

### EXECUTIVE COUNCIL :

In addition to above-named officers.

(Ex-Presidents.)

ANDREW DICKSON WHITE, L. H. D., LL. D.,  
*Ithaca, N. Y.*

JAMES SCHOULER, LL. D.,  
*Boston, Mass.*

JAMES BURRILL ANGELL, LL. D.,  
*President of the University of Michigan.*

## AMERICAN HISTORICAL ASSOCIATION.

GEORGE PARK FISHER, D. D., LL. D.,  
*Professor in Yale University.*

HENRY ADAMS, LL. D.,  
*Washington, D. C.*

JAMES FORD RHODES, LL. D.,  
*Boston, Mass.*

CHARLES FRANCIS ADAMS, LL. D.,  
*Boston, Mass.*

ALFRED THAYER MAHAN, D. C. L., LL. D.,  
*New York.*

HENRY CHARLES LEA, LL. D.,  
*Philadelphia.*

GOLDWIN SMITH, LL. D.,  
*Toronto, Canada.*

(Elected Councillors.)

GEORGE L. BURR, LL. D.,  
*Professor in Cornell University.*

EDWARD P. CHEYNEY, A. M.,  
*Professor in the University of Pennsylvania.*

EDWARD G. BOURNE, PH. D.,  
*Professor in Yale University.*

ANDREW C. McLAUGHLIN, A. M.,  
*Carnegie Institution of Washington.*

GEORGE P. GARRISON, PH. D.,  
*Professor in the University of Texas.*

REUBEN GOLD THWAITES, LL. D.,  
*State Historical Society of Wisconsin.*

## TERMS OF OFFICE.

### EX-PRESIDENTS.

ANDREW DICKSON WHITE, L. H. D., LL. D., 1884-85.  
† GEORGE BANCROFT, LL. D., 1885-86.  
† JUSTIN WINSOR, LL. D., 1886-87.  
† WILLIAM FREDERICK POOLE, LL. D., 1887-88.  
† CHARLES KENDALL ADAMS, LL. D., 1888-89.  
† JOHN JAY, LL. D., 1889-90.  
† WILLIAM WIRT HENRY, LL. D., 1890-91.  
JAMES BURRILL ANGELL, LL. D., 1891-1893.  
HENRY ADAMS, LL. D., 1893-94.  
† GEORGE FRISBIE HOAR, LL. D., 1894-95.  
† RICHARD SALTER STORRS, D. D., LL. D., 1895-96.  
JAMES SCHOULER, LL. D., 1896-97.  
GEORGE PARK FISHER, D. D., LL. D., 1897-98.  
JAMES FORD RHODES, LL. D., 1898-99.  
† EDWARD EGGLESTON, L. H. D., 1899-1900.  
CHARLES FRANCIS ADAMS, LL. D., 1900-1901.  
ALFRED THAYER MAHAN, D. C. L., LL. D., 1901-2.  
HENRY CHARLES LEA, LL. D., 1902-3.  
GOLDWIN SMITH, LL. D., 1903-4.

### EX-VICE-PRESIDENTS.

† JUSTIN WINSOR, LL. D., 1884-1886.  
† CHARLES KENDALL ADAMS, LL. D., 1884-1888.  
† WILLIAM FREDERICK POOLE, LL. D., 1886-87.  
† JOHN JAY, LL. D., 1887-1889.  
† WILLIAM WIRT HENRY, LL. D., 1888-1890.  
JAMES BURRILL ANGELL, LL. D., 1889-1891.  
HENRY ADAMS, LL. D., 1890-1893.  
† EDWARD GAY MASON, A. M., 1891-1893.  
† GEORGE FRISBIE HOAR, LL. D., 1893-94.  
† RICHARD SALTER STORRS, D. D., LL. D., 1894-95.  
JAMES SCHOULER, LL. D., 1894-1896.  
GEORGE PARK FISHER, D. D., LL. D., 1896-97.  
JAMES FORD RHODES, LL. D., 1896-1898.  
† EDWARD EGGLESTON, L. H. D., 1898-99.  
† MOSES COIT TYLER, L. H. D., LL. D., 1897-1900.  
CHARLES FRANCIS ADAMS, LL. D., 1899-1900.  
† HERBERT BAXTER ADAMS, PH. D., LL. D., 1900-1901.  
ALFRED THAYER MAHAN, D. C. L., LL. D., 1900-1901.  
HENRY CHARLES LEA, LL. D., 1901-2.  
GOLDWIN SMITH, D. C. L., LL. D., 1901-3.  
† EDWARD MCCRADY, LL. D., 1902-3.  
JOHN BACH McMASTER, LL. D., 1903-4.

## SECRETARIES.

† HERBERT BAXTER ADAMS, PH. D., LL. D., 1884-1899.  
 A. HOWARD CLARK, 1889—  
 CHARLES H. HASKINS, PH. D., 1900—

## TREASURER.

CLARENCE WINTHROP BOWEN, PH. D., 1884—

## EXECUTIVE COUNCIL.

WILLIAM BABCOCK WEEDEN, A. M., 1884-1886.  
 † CHARLES DEANE, LL. D., 1884-1887.  
 † MOSES COIT TYLER, L. H. D., LL. D., 1884-85.  
 EPHRAIM EMERTON, PH. D., 1884-85.  
 FRANKLIN BOWDITCH DEXTER, A. M., 1885-1887.  
 † WILLIAM FRANCIS ALLEN, A. M., 1885-1887.  
 † WILLIAM WIRT HENRY, LL. D., 1886-1888.  
 † RUTHERFORD BIRCHARD HAYES, LL. D., 1887-88.  
 JOHN W. BURGESS, LL. D., 1887-1891.  
 ARTHUR MARTIN WHEELER, A. M., 1887-1889.  
 GEORGE PARK FISHER, D. D., LL. D., 1888-1891.  
 † GEORGE BROWN GOODE, LL. D., 1889-1896.  
 JOHN GEORGE BOURINOT, C. M. G., D. C. L., LL. D., 1889-1894.  
 JOHN BACH McMASTER, LL. D., 1891-1894.  
 GEORGE BURTON ADAMS, PH. D., 1891-1897; 1898-1901.  
 THEODORE ROOSEVELT, LL. D., 1894-95.  
 † JABEZ LAMAR MONROE CURRY, LL. D., 1894-95.  
 HENRY MORSE STEPHENS, A. M., 1895-1899.  
 FREDERICK JACKSON TURNER, PH. D., 1895-1899; 1901-1904.  
 EDWARD MINER GALLAUDET, PH. D., LL. D., 1896-97.  
 MELVILLE WESTON FULLER, LL. D., 1897-1900.  
 ALBERT BUSHNELL HART, PH. D., LL. D., 1897-1900.  
 ANDREW C. McLAUGHLIN, A. B., LL. B., 1898-1901; 1903—  
 WILLIAM A. DUNNING, PH. D., LL. D., 1899-1902.  
 PETER WHITE, A. M., 1899-1902.  
 J. FRANKLIN JAMESON, PH. D., LL. D., 1900-1903.  
 A. LAWRENCE LOWELL, A. B., LL. B., 1900-1903.  
 HERBERT PUTNAM Litt. D., LL. D., 1901-1904.  
 GEORGE L. BURR, LL. D., 1902—  
 EDWARD P. CHEYNEY, A. M., 1902—  
 EDWARD G. BOURNE, PH. D., 1903—  
 GEORGE P. GARRISON, PH. D., 1904—  
 REUBEN GOLDTHWAITES, LL. D., 1904—

Deceased officers are marked thus †.

## COMMITTEES—1905.

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### ANNUAL COMMITTEES.

*Committee on the Programme for the Twenty-first Annual Meeting:* (Baltimore and Washington, 1905): John Martin Vincent, Charles M. Andrews, F. A. Christie, Charles H. Haskins, and Andrew C. McLaughlin.

*Joint Local Committee of Arrangements for the American Historical Association, American Economic Association, and American Political Science Association:* Theodore Marburg, J. H. Hollander, John Martin Vincent, W. W. Willoughby; with power to add members at the discretion of the chairman.

*Committee on the Entertainment of Ladies:* Mrs. Annie M. L. Sioussat, Miss Ida M. Tarbell; with power to add members at the discretion of the chairman.

### STANDING COMMITTEES, COMMISSIONS, AND BOARDS.

*Editors of the American Historical Review:* H. Morse Stephens, George B. Adams, J. Franklin Jameson, William M. Sloane, Albert Bushnell Hart (these five hold over); Andrew C. McLaughlin, reelected for term ending January 1, 1911.

*Historical Manuscripts Commission:* Edward G. Bourne, Frederick W. Moore, Reuben G. Thwaites, Worthington C. Ford, A. C. McLaughlin, T. M. Owen.

*Committee on the Justin Winsor Prize:* Charles M. Andrews, E. P. Cheyney, Charles H. Hull, Roger Foster, Williston Walker.

*Committee on the Herbert Baxter Adams Prize:* Charles Gross, George L. Burr, Victor Coffin, James Harvey Robinson, John Martin Vincent.

*Public Archives Commission:* Herman V. Ames, William MacDonald, Herbert L. Osgood, Charles M. Andrews, E. E. Sparks.

*Committee on Bibliography:* Ernest C. Richardson, A. P. C. Griffin, George H. Lane, William C. Lane, Reuben G. Thwaites, Max Farland.

*Committee on Publications:* Charles H. Haskins, A. Howard Clark, F. M. Fling, S. M. Jackson, Miss Elizabeth Kendall, A. D. Morse, Earle W. Dow.



*General Committee:* Henry E. Bourne, Charles H. Haskins, Miss Lucy M. Salmon, Miss Lillian W. Johnson, John S. Bassett, William MacDonald, F. H. Hodder, F. L. Riley, B. F. Shambaugh, R. G. Thwaites, F. G. Young; with power to add adjunct members.

*Committee of Eight on History in Elementary Schools:* J. A. James, Henry E. Bourne, E. C. Brooks, Wilbur F. Gordy, Mabel Hill, Julius Sachs, Henry W. Thurston, James H. Van Sickle.

*Finance Committee:* J. H. Eckels, Peter White.

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I.—REPORT OF PROCEEDINGS OF TWENTIETH ANNUAL MEETING OF  
THE AMERICAN HISTORICAL ASSOCIATION.

CHICAGO, ILL., DECEMBER 28, 29, 30, 1904.

By CHARLES H. HASKINS,  
*Corresponding Secretary.*



## REPORT OF THE PROCEEDINGS OF THE TWENTIETH ANNUAL MEETING OF THE AMERICAN HISTORICAL ASSOCIATION.<sup>a</sup>

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By CHARLES H. HASKINS, Corresponding Secretary.

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For some years the successive meetings of the American Historical Association have vied one with the other in interest and usefulness. In describing these meetings it is no longer possible to use descriptive adjectives in the comparative or superlative degree. All of them have been practically above criticism or complaint. The recent meeting at Chicago—December 28 to 30, 1904—was no less satisfactory in all respects than its predecessors, and candor forbids the use of more laudatory phrases. The programme was excellent, the social arrangements were admirable, the courtesy of those in charge of the meeting and the attentions of friends of the Association in Chicago unfailing and unremitting.

Most of the sessions were held at the University of Chicago, in the Reynolds Club House, and in the Leon Mandel Assembly Hall adjoining, which were well adapted to the purposes and gave facilities not only for the stated programme, but for committee and board meetings, and for social intercourse, which after all is the most important feature of these gatherings. The American Economic Association and the American Political Science Association held meetings at the same time and place, and there were three joint sessions. At the first the chief paper was the address of the president of the Political Science Association; at the second, the addresses of the presidents of the Economic Asso-

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<sup>a</sup> This general account of the Chicago meeting of the Association is reproduced, with slight modifications, from the report prepared for the American Historical Review (April, 1905) by the managing editor of the Review, Prof. A. C. McLaughlin.

ciation and the Historical Association were read; at the third, topics in industrial history were discussed by the economists and the historians.

At the end of the first session a luncheon was served to visiting delegates in Hutchinson Hall, the university commons—a charming reproduction of the hall of Christ Church College, Oxford. The same afternoon the ladies were invited to a tea by Mrs. William Gardner Hale. Wednesday evening a reception was given by the Chicago Historical Society at its building, and the next afternoon the delegates were received by President and Mrs. Harper. An enjoyable smoker was held at the Hotel del Prado on Thursday evening. The same evening the ladies were entertained at the residence of Prof. James Westfall Thompson by Mrs. Thompson and Mrs. Mary J. Wilmarth. The Quadrangle Club, the Union League Club, the City Club, and the University Club gave non-resident members the free use of their clubrooms, and the same courtesy was shown the ladies of the Association by the Chicago Women's Club. The success of the meeting was in no small measure due to the tireless work and good judgment of Prof. J. Franklin Jameson, chairman of the committee on programme, and of Mr. Charles L. Hutchinson, chairman of the committee on arrangements.

Most of the sessions were held at the University of Chicago, but one was held at the rooms of the Chicago Historical Society, and one, the last, at the Northwestern University building in the central part of the city. The attendance was large and representative, more members being registered and probably many more being present than at any previous meeting. As was the case at New Orleans, nearly all sections of the country were well represented. Though not so many came from the Pacific coast or the South Atlantic States as were in attendance a year ago, New England and the Middle States were largely represented, as were nearly all of the States of the Mississippi basin.

The meetings once more gave evidence of the wide interests of American historical scholars, of the spirit of cooperation, and of the best of scholastic good-fellowship. One of the meetings was given up to conferences or "round tables" on special subjects, a feature of the programme which

proved peculiarly attractive, as is likely to be the case where topics of live interest are discussed and where practical methods are considered. The practice of dividing the Association into sections, which years ago was followed for a time, had its evident disadvantages, since it destroyed the unity of the meetings and simply added to the number of formal papers to which one might listen if he chose; but such a plan as that adopted at Chicago, of giving one session to a number of special gatherings in which matters of interest may be freely discussed by a comparatively small number of men, is of very evident effect in increasing the interest and the value of the meetings. One would hesitate to say that the plan should always be followed in the future, but this at least is certain, that the morning session given up to the round-table conferences was the most profitable and interesting of all. The meeting as a whole was of unquestioned service to western scholars, and perhaps of special value because it brought together an unusual number of workers in local history and gave them new courage and interest.

At the first session, held in Leon Mandel Assembly Hall, an address of welcome was given by President William R. Harper, after which Prof. Frank J. Goodnow, of Columbia University, president of the American Political Science Association, gave the first annual address, choosing for his topic the work of the new association. He dwelt chiefly on topics and fields of study that need attention from investigators in political science and on the desirability of co-operation between practical workers and theorists which the association might promote, and emphasized the desirability of a thorough and scientific examination of the principles and practice of administration.

After these addresses had been delivered before the three societies two papers were read in a joint meeting of the Historical and Political Science Associations. Prof. William M. Sloane, of Columbia University, in a paper entitled "The Contrast of Political Theory and Practice in France under the Convention," examined critically the French Government under the convention from 1793 to 1795, inclusive. He declared that an assembly chosen to make a constitution usurped the sovereign power without excuse, and that the plea of necessity was invalid. The coalition against France



was not formidable, because it had no solid basis and no consistency. The internal affairs of France gave the Jacobins no monopoly in saving the country, for there was already a constituted executive, and the boundless resources of the country were just as available for the republicans as a whole as they were for one faction of the party. The convention was not merely a usurper; it was irregular and illegitimate in both its membership and its organization. Surrendering its power to two committees, the executive council and that of public security, it devoted itself solely to party ends. Its earliest effort in arrogating sovereignty to an oligarchy by the committee of general defense was a failure. Thereupon it deliberately sacrificed for its own ends the entire Girondin party and created the committee of public safety, which took advantage of the public disorders to create a Jacobin autocracy. The most efficient organ of this shameless tyranny—the revolutionary tribunal—steadily declined into a factional committee of assassination. Any effort to judge the “Terror” even as a means justified by the end is foredoomed to failure, for France has been saved several times in moments quite as critical; but it was done by sane men, and the success did not deliver her bound to governments like the disreputable directory, and an eventual military despotism.

Mr. Jesse S. Reeves read a paper on “The Napoleonic Confederacy in the United States,” an organization by the French refugees in America having for its purpose the placing of Joseph Bonaparte upon the throne of Mexico. In the summer of 1817, G. Hyde de Neuville, the French minister at Washington, obtained possession of certain letters sent by Joseph Lakanal to Joseph Bonaparte. These letters disclosed a conspiracy among French refugees in America, but though the attention of the State Department was called to the matter no steps were taken to apprehend the leaders. In the spring of 1818 a company of 200 men, under General Lallemand, left Philadelphia, landed at Galveston, and proceeded up the Trinity River. A settlement called “Champ d’Asile” was founded, but its existence was short; menaced by the Spanish and suffering for want of food, the wretched Napoleonic soldiers abandoned their settlement and returned to Galveston, where they were found by General Graham.

who had been sent by Monroe to investigate the purposes of the expedition. Inasmuch as Lallemand's plans came to naught and there was no proof that Joseph Bonaparte had any part in the undertaking, the Government of the United States did not think it best to take further notice of the purposes and plans of the conspirators. Mr. Reeves's narrative was based on the correspondence on file in the Department of State.

The afternoon of Wednesday was given to a meeting of the council and of various committees and boards which now have in charge many of the important functions of the Association. In the evening a joint meeting of the Historical and Economic Associations was held in the Chicago Historical Society building. Mr. Franklin H. Head, in behalf of the Chicago Historical Society, welcomed the associations in a felicitous address. President Frank W. Taussig, of the Economic Association, discussed the present position of the doctrine of free trade. After considering the general arguments for free trade and protection, he said that conclusions as to the general argument for protection for young industries have an uncertain ring; and that while protection can not be proved to be useless, certain economic phenomena in this country show that it is not indispensable. The essence of the doctrine of free trade is that international trade brings a gain, and, in consequence, all restrictions upon it a loss. Departures from this principle may perhaps be justified, but they need to prove their own case, and if made in view of the pressure of opposing interests such departures are a matter of regret.<sup>a</sup> The address of the president of the Historical Association, Prof. Goldwin Smith, which in his absence was read by Prof. Benjamin Terry, appears in this volume.

The session of Thursday morning, when the round-table conferences were held, was of peculiar interest; and the fact that many felt when the conferences were finished that much remained to be said is ample proof of the profitableness and utility of the discussions. The officers of the association have long felt that an effort should be made to bring

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<sup>a</sup> Professor Taussig's address is printed in full in the Publications of the American Economic Association for 1905.

the State historical societies into closer relations with one another and with the general association, in order that, by means of greater co-operation, objects of common interest might be attained and unwise and unnecessary duplication of work avoided. With the hope of establishing this closer relationship, a conference of representatives from State and local societies was made part of the Chicago programme, and its success was marked. The sessions were held in the library of the Reynolds Club House. Dr. Reuben G. Thwaites, secretary of the State Historical Society of Wisconsin, who acted as chairman, in opening the meeting stated in a few well-chosen words the purposes in view and what might be gained for mutual benefit by a better understanding among local societies. In a paper on the forms of organization and the relation to the State governments Mr. Thomas M. Owen, director of the Alabama Department of Archives and History, spoke of the obligation resting upon the State for the preservation and care of its archives, and of the desirability of having an officer specially charged with this duty. This work should be consigned to some one who is interested in historical matters and appreciates the value of documentary material, inasmuch as the average administrative officer is not likely to have much respect for documents that have no immediate and evident utility. The State historical society is unable to care for the public records, and only by the establishment of a distinct department can suitable appropriations commonly be expected. The speaker described the organization existing in Alabama, where there is a separate department of the government, under the general management of a board of trustees, and a director is appointed as a State trustee; the State Historical Society of Alabama has decided to surrender to the State the task of collecting manuscripts, and to content itself with holding meetings, publishing material, and stimulating interest in history.<sup>a</sup> Mr. Warren Upham, secretary of the Minnesota Historical Society, spoke in approval of the methods existing in those States where the expenses of the historical society are met by legislative appropriations. Without denying the value of such an organization as that of Alabama, and without underestimating the immense work

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<sup>a</sup> Mr. Owen's paper is printed in full in this volume.

done by such associations as the Massachusetts Historical Society, he pointed out the evident advantages of such a system as that of Wisconsin and of some of the other States in the Northwest. A State department of history is in danger of being subjected to political influence. An historical society, aided by the State in an evident public duty, can collect and care for historical documents and also arouse popular interest, as a public officer can not. Mr. C. M. Burton, of Detroit, president of the Michigan Pioneer and Historical Society, and well known as a devoted collector of historical materials, spoke earnestly of the need of cooperation to the end that unnecessary duplication of work might be avoided and more thorough work accomplished. He advocated the preparation of a general index to the publications of historical societies, a task which would be easily performed if the historical societies of the country would be willing to work together. Prof. B. F. Shambaugh, of the State Historical Society of Iowa, spoke briefly of the proper division of the field between the State society and the local societies within the same State, and pointed out the value of local societies in preserving documents and in aiding the State society in the task of collection.

Prof. F. L. Riley, of the Mississippi Historical Society, commenting on the general subject under discussion, spoke favorably of the arrangement in Mississippi, where there is an active historical society and also a well-organized State department, the former at the university, the latter at the State capital. Prof. A. C. McLaughlin, at the suggestion of the chairman, gave a short statement of the proposed work of the Bureau of Historical Research of the Carnegie Institution. Referring to the work already done in England by Prof. C. M. Andrews, he said that it is the intention to make a thorough report on the British archives and, in the coming year, to begin the examination of the Spanish archives, with the hope of being of service not only to investigators, but to historical societies that wish to have transcripts made. It is also the intention of the bureau to gather information concerning all manuscript collections of historical societies, in order that there may be in one place knowledge of the materials that are scattered throughout the country.

The round-table conference on the teaching of church history had a fair attendance, and the proceedings were of great interest to all present. Prof. F. A. Christie, of the Meadville Theological School, presiding, opened the conference by a plea for a consideration of the problems of church history as problems of historical science without the control of dogmatic or ecclesiastical interests. Regret was expressed that the body of workers in this field does not compare favorably in numbers or energy with those who contribute to other divisions of the field of history, and that the production of results is equally disappointing. Having indicated certain problems of the definition and treatment of the subject, the speaker held that a higher scientific activity calls for ampler material equipment in theological schools and for the introduction of the study in institutions other than theological. When colleges afford an outline of knowledge, the instruction in theological schools can use more intensive methods and yield higher results.

Prof. Albert T. Swing, of Oberlin, speaking on methods of teaching, made a vigorous argument for a system that would occupy the student with the problems of exposition and reproduction. In view of the future vocation of the student, an extensive thesis was held to be less desirable than the preparation of addresses in such literary form as would make a living appeal to a mass of hearers. The aim should be twofold: The discovery and analysis of vital movements by the exercise of true historical insight; and the immediate presentation of these ideas with a judicial temper and a sensitive skill of artistic expression. After indicating the divisions and methods of the general survey of church history, Professor Swing urged the historical analysis of the origin and development of doctrines as the crowning work of the department.

Dealing with the problem of the fostering of independent research, Prof. Shailer Mathews, of the University of Chicago, held that a theological school aims at practical efficiency in a profession, and that the general body of its students should not be expected to accomplish special research. The seminary must first teach the body of things known and then in the senior year give some discipline in the

use of sources, not for the production of technical historians, but to show the difference of opinion and fact and to teach the method of construction. On the other hand, students preparing to teach must be given a separate technical training, and the instructor must pursue research for his own good. Professor Mathews advocated the systematic editing and publication of documents of American church history by instructors, with the collaboration of advanced students, and a project of co-operative historical writing after the model of the *Cambridge Modern History*.

On the theme of church history in colleges and graduate schools Prof. Carl Russell Fish, of the University of Wisconsin, made a stimulating and suggestive speech with special regard to American history. Although churches have had a great influence on the growth of our civilization, the attention given to them in general courses is slight and confined to the bizarre and the picturesque. Vital problems are seldom handled. As the multiplication of college courses forbids the average student to take a special course in church history, it is necessary to correlate the subject with general history. The advantage of this is seen in the broadening and consequent simplification of the whole view of history. An illustration is the growth and the history of united organizations in the churches and the political union of the country. If college teachers are to have the basis for such correlation, it must be furnished by the specialists in church history and by those who have made a comparative study of the several churches, as well as of religious and civil institutions. This is the most profitable field for the graduate student, who will find whole series of problems by simply placing side by side the ascertained facts in these several subjects and observing the relationships and the discrepancies which there appear.

The conference on the teaching of history in the elementary school was likewise interesting and profitable. Prof. J. A. James, of Northwestern University, who acted as chairman, opened the meeting with a few words concerning the importance of the problems that were to come up for discussion. He showed that there is at the present time no agreement in practice or in theory; there are few indications of any

tendency to uniformity in the schools. Occasionally men competent to speak with wisdom have been called to plan a course of study for the grades, but expert recommendations have in the past been of little use. The time, however, may now have come for a thorough and, if possible, an authoritative study of the whole situation. Mr. Henry W. Thurston, of the Chicago Normal School, read a paper on "Some Suggestions for an Elementary Course of Study in History." The aim of history teaching is to help the child to understand in a true sense what his American fellows are now doing and to help him to intelligent voluntary action in agreement or disagreement with them; a course of study with this general aim would begin with the child's problems in his social environment and carry on from grade to grade the examination of such contemporary social problems as are within the child's comprehension. This study would embrace likewise attention in every grade to genetic problems in the past. The events studied should be in the industrial, political, social, and religious fields, and be chosen primarily from direct physical and psychical ancestry of Americans. Different "unit topics" should not, the speaker said, be presented in chronological order, but rather in such a way that there will be the strongest tendency in the child to relate the past to himself, that he may feel that the ways and thoughts of the present are the product of development and evolution.

In continuing the discussion, Dr. George O. Virtue, of the Winona State Normal School, Minnesota, said he did not think that in choosing material for preparatory work stress should be laid on the interest of the child; the safer guide is the child's future needs. A proper course would not be very different from that now followed in many American schools. It gives a prominent place in the seventh and eighth years to American history, which might well be preceded by ancient and English history. The momentary interests of such a course might be made to conform roughly to the demands of those holding to the culture-epoch theory and be fitted to the needs of children of varying experience and abilities; it is rich in possibilities for developing the imagination, rousing the enthusiasm, and building standards of personal and civic conduct. The mental training from the study of history,

which some persons assert to be only a by-product of history study in the lower schools, could be made really valuable and significant if proper attention were paid to conditions of preparation, to the time employed, and to securing skilled instruction. Miss Emily J. Rice, of the School of Education of the University of Chicago, spoke briefly on the preparation of the elementary teacher. She emphasized the fact that new ideals in education are making new demands on the teacher; her task is not to compel her pupils to commit a few pages or to memorize a few meaningless details; she must help to bring the subject-matter of history home to the child and to relate it to his experience. Stress should be laid on industrial history and the development of the arts. The test of a teacher's success is to be found in the habits of study which her pupils acquire under her guidance and inspiration.

Following these papers was a general discussion, in which a number of persons participated, among them Prof. A. H. Sanford, of the Stevens Point Normal School, Wisconsin, who declared that general principles should be laid down and superintendents left to work out the details in a way suited to their own needs; Prof. J. S. Young, of the Mankato Normal School, Minnesota, who said that history study should begin with the first grade and develop by regular stages; Prof. J. B. McMaster, of the University of Pennsylvania, who believed that in the process of Americanizing the foreigners we must fill their minds with facts of American history, which they may not understand, but which they must take as so much medicine; and Prof. James Sullivan, who said that we now have a disproportionate amount of American history. Some of the speakers radically disagreed with Professor McMaster, declaring that a mere accumulation of facts was of little moment. There seemed to be general agreement as to the wisdom of a wide and substantial course in American history, as the best preparation for civic duties and for the comprehension of the meaning of American society in which the boys and girls of the school are called upon to pass their lives. One would judge from the course of the discussion that there should be no serious difficulty in marking out a course of study for the grades, if the task is entered upon seriously and intelligently. That the subject might secure the requisite attention the conference asked the council



to appoint a committee, similar to the Committee of Seven, which should recommend a history course for the elementary schools.

At the conference which considered the doctoral dissertation in history and the doctor's degree there was a large attendance. The room where the sessions were held was too small to contain all who sought admission, and the discussions were of unusual interest. There was a general feeling that the problems under consideration are vital and important. In opening the discussion, the presiding officer, Prof. George B. Adams,\* of Yale, said that in following German practice in this country we had, in his opinion, followed the wrong road; by granting the degree freely to every one completing a required course, and by demanding as a dissertation a piece of original work, we are likely in the end to magnify the importance of little things and run the risk of creating the impression that what is only the beginning is the real end; we shall fall also into a state in which process seems the only thing, without regard to the value of the result. For the first of these conditions the thesis is largely responsible; for the student—and sometimes the instructor—labors under the impression that the product of the student's minute toil is really an important contribution to knowledge, whereas in the majority of cases, certainly in medieval history, these laborious theses merely cumber the shelves and are but impediments in the way of the really creative scholar. Professor Adams called attention to the number of men who do nothing after compiling their dissertations, and fall back with an undeserved and unnecessary feeling of failure into the work of the secondary schools. As a remedy, he advised the establishment of two doctorates, the first of which should stand for about the amount and kind of training now required for the doctorate. For this degree the thesis need not be an original contribution to knowledge, and there should be no requirement that it be printed; the more advanced should be similar to the French degree, obtainable only by mature scholars after a searching examination and on the

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\* Professor Adams's paper introducing this discussion, rewritten and enlarged, will appear in an early number of the *Educational Review*.

presentation of a dissertation indicative of real scholarship and creative ability. If it were possible, he said, to advance our present master's degree to about our present doctor's degree, and the doctor's to the point of the French doctorate, the arrangement would be altogether desirable. By agreeing on an advanced degree, American universities would gain the advantages of both German and French practices; they would not lose their influence on the secondary schools; we should avoid conveying to the student a wrong impression of his own attainments and prospects, and should escape a barren and desolating flood of printed dissertations of no substantial value, which threatens to be a burden to every branch of knowledge.

Prof. D. C. Munro, of the University of Wisconsin, spoke of the various kinds of students who seek the doctorate. The training given those who are to be writers of history should be different from that offered those who are seeking only a broad scholarship and a fuller knowledge than can be acquired in the undergraduate course. If the former class is to be properly prepared, training in the technique of history requires so much time that no thesis fairly worth printing can as a rule be written. In this respect history stands, perhaps, on a different plane from that of the physical sciences, where it is not impossible for the comparatively immature student to make a serious contribution to his science. Professor Munro could not agree with Professor Adams as to the usefulness of the proposed second doctorate. Prof. James Harvey Robinson, of Columbia, said that the doctor's degree might be taken too seriously; certainly for some purposes the master's degree is more useful. There are great differences, he said, in the capacities of students, some of them reaching their limit by the end of the first year of graduate work. To obtain an elaborate literary production would be very difficult in these days, when so few can write the English language in accordance with accepted usage. Perhaps a translation might prove an agreeable substitute for a thesis in some cases, for it requires the intelligent use of two languages and a knowledge of the subject in hand. Prof. George E. Howard, of the University of Nebraska, on the other hand, pleaded for

the retention of the doctorate as a scholar's degree, declaring that the last decade has seen a decided improvement in the standard, that the present thesis is creditable, and that in American and English history it is better than the typical German thesis. He could not see the wisdom of establishing a new degree, but he did believe that the master's degree should be given more meaning, for it has a distinct academic function. The main thing is to keep the standards high.

Prof. N. M. Trenholme, of the University of Missouri, considered the present doctor's examination too severe for the students who have had no preparation for such an ordeal, and advocated making an examination for the master's degree a preliminary training for the doctor's examination. Prof. J. M. Vincent spoke of the value of the work on the thesis in the intellectual development of the student; to work over old topics may be good, but to do something new is better; the printing of theses is considered a reward of effort and industry. Prof. C. M. Andrews advocated the maintenance of high standards for the degree. The result of not printing the theses would, he thought, be the cheapening of the degree; both the instructor and the student need the stimulus, the check, and the encouragement that come from the knowledge that the dissertation is to be printed and must bear the inspection of others. Subjects for theses should be wisely selected and suited to the needs of the science. Prof. F. M. Fling believed we should have no inflexible rule about printing and that college students should be so grounded in the principles of historical method and so taught by continuing practice to express their ideas that, when the need comes, they will be able to prepare a thesis in intelligent and readable English. Prof. F. H. Hodder and Prof. F. M. Anderson both dwelt on the desirability of strengthening the master's degree. Prof. J. F. Jameson said we should adjust our degrees to American needs; the master's degree should indicate that its possessor has the scholarly preparation for teaching in the secondary schools; the doctor's degree, that he is fitted for the college. The person who is to handle college classes should have experienced the pains and pleasures of discovery and have ascertained by his own trials how history is written. Three-fourths of all theses, he said, are in American history, and of these the

larger portion is good. Like Professor Andrews, he believed the certainty that the dissertation would be inspected by others is of salutary influence, but thought it might possibly be wise not to print the dissertation, in a given case, if it were judged good by a professor in another university. Prof. A. B. Hart said he had not seen the evil of the doctorate, for the educational development of recent years was due to the desire for the degree of doctor of philosophy and to the fact that it is a good standard measure for professional purposes. The dissertations had, moreover, added considerably to our knowledge; and he advocated that time be devoted to the study of topics that would yield positive and helpful results. Prof. C. H. Haskins thought there had been a marked improvement in the real value of the doctorate, and that much more was asked than twenty years ago; he believed that standards should be raised for both the master's and the doctor's degrees, the latter to be given only to students showing unusual promise and likely to follow a university, as distinguished from a college, career. In a word, without establishing a new degree, the universities might well provide for the type of man that Professor Adams had in mind. At present we are in a transitional stage; and while we provide fairly well for the future college professor we do not do enough to develop the type of man who looks forward to a university career, and who should have the power and the training to conduct profitable investigation. At the end of the discussion, Professor Milyoukov, comparing the conditions in Russia with those prevailing here, said that the Russian degree of "magister" is as a rule obtained by men who are already too old, and that in his country the attainment of a degree is too difficult, and here too easy.

At the fourth session five papers were read on a variety of subjects. Prof. C. W. Colby, of McGill University, characterized in an interesting manner the personnel and the work of the historical congresses at St. Louis. Prof. Ettore Pais, of the University of Naples, beginning with a tribute to the late Theodor Mommsen, and a reference to the marvelous breadth of his scholarship and the value of his contributions to Roman history, proceeded to point out the work that remains to be done. The soil of Italy still has

many archæological treasures, and new discoveries will add new knowledge and raise fresh problems. The study of primitive life in other lands and the study of ancient law will throw light on the early development of Rome. Even for the study of the empire much remains to be done, for we know much more of the administrative system than of the real history of the people; we know more of their law than of their ideas, their moral movements, or their social development. Because of the similarity between the character and the history of modern America and those of ancient Rome, American scholars are especially called upon to study and interpret Roman life and history.<sup>a</sup>

Prof. Henry E. Bourne made a report upon the work of American historical societies, a summary of impressions received from the inquiry for the general committee of the Association. Describing with considerable care the different forms of organization and effort, he dwelt on the desirability of cooperation, and especially on the need of good understanding between the local societies and the general association.<sup>a</sup>

The next paper, by Prof. E. G. Bourne, was a clever and interesting effort to test the trustworthiness of the *Travels* of Jonathan Carver, by an application of the principles of modern historical criticism. Even the conclusions, not to speak of the proofs, can not be given here in a word; and we must content ourselves with saying that Professor Bourne demonstrated that the book ascribed to Carver has no standing as a piece of first-hand testimony, that in all probability he did not write it, and that while portions were probably written by adroit literary hacks from Carver's own statements, much was but a rehearsal of the sayings of Charlevoix and other early explorers, including the mendacious Lahontan.

In the first paper of the evening, Mr. Isaac J. Cox, of the University of Cincinnati, spoke of the explorations in the Southwest by Hunter, Dunbar, Pike, and Freeman in the first three years after the purchase of Louisiana. Although these expeditions were much less comprehensive than originally planned, they furnished valuable informa-

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<sup>a</sup> The paper is printed in the present volume.

tion concerning the geography of the territory, marked the first step in deflecting the border Indians from their nominal Spanish allegiance, and were a material factor in the final assertion of American claims to large portions of the Southwest.

Prof. Friedrich Keutgen, of Jena and Johns Hopkins, gave the first paper of the Friday morning session on the necessity in America for the study of the early history of modern European nations.<sup>a</sup> The real antecedents of America, he said, are to be found in the early life of the European nations, whose history is continuous from the time of their formation on the ruins of the older Roman world. But not for this reason alone, not from any merely patriotic motive, should American students study this early history, but because the backbone of every science is its method, and this method can best be learned where the materials are most easily mastered. In the early period of European history conditions were comparatively simple, and the evidence we have to handle can be tested by certain and intelligible rules. Opportunity is given for training and practice in paleography and diplomatics, while power of correct observation and inference can be developed in students with comparative ease. Prof. Paul Milyoukov, formerly professor in the University of Sofia, read a paper on Russian historiography,<sup>b</sup> in which he traced the periods through which the writing of history has passed from early days to the present. It is now, he said, under the influence of the wider sociological conceptions, to which American scholars have made notable contributions.

Following these papers by distinguished European historians, three papers were read describing certain archives and the materials to be found in them of particular interest to historical investigators. Prof. A. C. McLaughlin, of the Carnegie Institution, gave the results of his investigation of the diplomatic archives of the Department of State.<sup>b</sup> Confining his description to the period from 1789 to 1845, he pointed out the amount, character, and apparent interest of

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<sup>a</sup> The paper is printed in the present volume.

<sup>b</sup> Printed by the Carnegie Institution under the title, "Report on the Diplomatic Archives of the Department of State, 1789-1840." Washington, 1904.

the great quantity of unpublished materials, which throw light not only on our diplomatic history, but on conditions in foreign states. Special attention was called to the dispatches of William Short, John Quincy Adams, and Jonathan Russell, and to the papers bearing on our diplomatic relations with the Republic of Texas. Prof. C. M. Andrews, of Bryn Mawr, described briefly the character of the material relating to American history to be found in the leading British archives, especially the Public Record Office, where exist great masses of documents, of some of which little has hitherto been known.<sup>a</sup> For the internal history of the colonies in the seventeenth century documentary evidence is scanty, though of the highest importance. On the other hand, for the study of British colonial policy and the development of the organs of administration the evidence is of great extent and of corresponding value. The materials bearing on British trade and revenue, on the cost of general administration, and on the expense of managing the military are enormous, especially for the years 1745, 1755-1763, and for the Revolution. Professor Andrews also spoke appreciatively of the Stevens Index, which contains references to more than 160,000 documents in England, France, Spain, and Holland relating to the period 1763-1783. Mr. Worthington C. Ford, of the Library of Congress, briefly described the extent and condition of the public archives at Manila and the richness of these papers in historical material.<sup>b</sup> While the great bulk of them is concerned with questions of local administration, the large collection of royal decrees and orders distinguish the archives from those obtained in previous acquisitions of Spanish territory. The insular government has appointed a keeper of the archives, and is taking measures for preserving the papers from further loss and damage, even sending a special student to Europe to obtain additional matter relating to the history of the Philippines. The Guam records, few in number and much mutilated, have in part been transferred to the Library of Congress, Washington, where they can receive greater care and attention. The archives of Porto Rico probably contain some material of value for his-

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<sup>a</sup> The paper is printed in the *American Historical Review*, January, 1905.

<sup>b</sup> The paper is printed in full in the present volume.

torical purposes; but the archives of no dependency are complete, having suffered much in the past from carelessness and from changes of sovereignty or from revolution. The history of the Spanish colonial policy in the sixteenth and seventeenth centuries is closely related to that of the British colonies in America, and should be studied in connection with the attempt of Spain to maintain a trading monopoly in the face of rivalry from England, France, and Holland.

The last session—a joint meeting with the Economic Association—was held on Friday evening in the building of the Northwestern University, in the center of the city. Prof. E. F. Gay, of Harvard, read a paper on the significance of the inclosure movement in England, an important contribution to the subject of English industrial history, its conclusions being in some respects quite at variance with those commonly accepted. The distinction should be made, the speaker said, between the inclosure of common waste and the depopulating of the common fields, the former being much older and more widespread but less disquieting than the latter. The depopulating inclosures of the common or open fields, especially characteristic of the sixteenth century, were not so serious a matter as contemporaries believed and almost all modern writers think. These inclosures were mainly confined to the midland counties; even there, till late in the eighteenth century, they were, in general, small piecemeal affairs, and the whole movement was one of gradual and not of violent change. Professor Gay brought out with especial distinctness the conditions under which this great agrarian change was made—the strong economic and social motives that tended to hasten it, and the equally strong obstacles, likewise economic and social, that retarded it. In conclusion, he said that the comparison of the inclosure movements of the sixteenth and eighteenth centuries as usually made overlooks the continuity of the development in the different sections of England and does not sufficiently take into account the differing social effects of the movements in the two periods.\*

After Professor Gay's paper, the rest of the evening was taken up with a discussion of the plan for preparing an eco-

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\* Professor Gay's paper is printed in full in the Publications of the American Economic Association for 1905.



conomic history of the United States. President Carroll D. Wright, head of the department of economics of the Carnegie Institution, who is responsible for the inception and the general management of the undertaking, briefly outlined the plans that have thus far been agreed upon. The whole field of American industrial history is divided into eleven main parts, and the general management of each one of these is in the hands of a specialist, whose duty it is to provide for the special investigation and the preparation of desirable monographs within his field. The divisions and the persons in charge of them are as follows: (1) Population and immigration, Prof. Walter F. Willcox; (2) agriculture and forestry, including public domain and irrigation, President Kenyon L. Butterfield; (3) mining, Mr. Edward W. Parker; (4) manufactures, President Wright; (5) transportation, Prof. B. H. Meyer; (6) domestic and foreign commerce, Prof. Emory R. Johnson; (7) money and banking, Prof. Davis R. Dewey; (8) the labor movement, President Wright; (9) industrial organization, Prof. J. W. Jenks; (10) social legislation, including provident institutions, insurance, and poor laws, Prof. Henry W. Farnam; (11) Federal and State finance, including taxation, Prof. Henry B. Gardner. At the present time there are some seventy-five persons engaged in one capacity or another, and it is expected that many more will soon be at work. It is plain, from Colonel Wright's statement, that his plan contemplates, at least for some time to come, the study of eleven or more parallel lines of industrial development, leaving any general scheme of co-ordination or combination to be dealt with at a later day. In the meantime, within these special fields where work is to be carried on by separate investigation, the work is to be in many, if not in most cases decidedly monographic; and, naturally, the task must be that of collecting data which at some future time can be properly arranged in chronological or logical relationships.

The general plan, as presented by President Wright, was commented on by several speakers, but the time was so limited that anything like a thorough discussion was impossible. The matter is one of such general interest, and the cooperation of historical scholars and economists so desirable, that it is regrettable that a thorough debate and interchange of views

were impossible. Professor McMaster in a few luminous remarks called attention to the fact that real history in which events are brought out in their significant aspects can not be written by following with precision any number of parallel lines. While such special treatment may be of much value, the investigator must remember that even in his choice of facts, as well as in their interpretation, much more must be considered than the changes taking place in one phase of human activity. In the period after the Revolution, for example, all social and industrial conditions had their bearing on constitutional change and on the need of establishing a new political order. The ultimate effect of industrial conditions must affect the choice, arrangement, and presentation of facts. The next speaker, Prof. C. H. Hull, of Cornell, fortifying his argument by the enumeration of various European and American examples, contended that among subsidized and co-operative undertakings of wide range, whether in ecclesiastical or in political history, those had proved on the whole most useful whose managers had confined their efforts chiefly to the editing of sources, and had left the production of co-ordinated narratives to the enterprise of individual writers and of commercial publishers. He maintained that this experience ought to have weight in planning the economic history of the United States; and especially so because, unlike the official materials of ecclesiastical and political history, the materials of economic history do not become accessible after a few years as a matter of course. He therefore welcomed President Wright's announcement that "the real and important work of the department of economics and sociology of the Carnegie Institution is \* \* \* to place the largest possible collection of materials in the hands of both" the economist and the historian. Prof. Henry R. Seager, of Columbia, spoke in approval of the general plan, and said that the work was properly undertaken by economists because the historians have as yet taken so little interest in the writing of economic history. He believed, however, that there were certain omissions, notably in the failure to provide for the study of the growth of trade in the ordinary sense as distinguished from commerce and transportation. Prof. Jacob H. Hollander, of Johns Hopkins, said that the description of economic status rather than the

narrative of economic development is the urgent need of economic study in the United States. Descriptive investigation, as distinct from historical study and local inquiry, must bear the same relation to political economy that field-work does to geology and the clinic does to medicine. The immediate environment should first be utilized as an economic laboratory for the development of scientific spirit in economic study and sound method in economic research, and as the field from which bases of working hypotheses may be derived. Thereafter the investigator must extend the range of his inquiry by visits to representative localities and even residence in them with a view to collecting wider and more varied data and to testing tentative conclusions. Such a procedure involves two essentials—leisure and resources. The investigators for scientific inquiry must certainly not be unduly absorbed by the routine engagement of the student or the teacher. With respect to resources, the investigator must be in command of funds sufficient to enable him to visit, and upon certain occasions temporarily to reside in, representative localities for the purpose of gathering additional evidence and of testing and verifying tentative conclusions. Here seems to lie the present prime usefulness of private or public endowment in economic research.

The business meeting, which was held Friday afternoon, showed that the affairs of the Association are in their customary prosperous condition, and that the various committees and commissions are working with zeal and success. In accordance with the desire of the round-table conference of State and local historical societies, a conference of such societies was appointed to be held in connection with the next annual meeting, and Mr. Thomas M. Owen was appointed chairman and Prof. Benjamin F. Shambaugh, secretary. The request of the conference on the teaching of history in the elementary school was answered by a resolution favoring the appointment of a committee of eight to investigate the subject and prepare a report on a course of history for elementary schools and the proper training of teachers for their work. Prof. J. A. James, of Northwestern University, was appointed chairman of the new committee, the other members being Prof. Henry E. Bourne, of Western Reserve University; Supt. E. C. Brooks, of Goldsboro, N. C.;

Supt. Wilbur F. Gordy, of Springfield, Mass.; Miss Mabel Hill, of the Normal School at Lowell, Mass.; Dr. Julius Sachs, of the Collegiate Institute and Teachers' College, New York City; Prof. Henry W. Thurston, of the Chicago Normal School, and Supt. J. H. Van Sickle, of Baltimore, Md. The report of the treasurer, Dr. Clarence W. Bowen, was not less gratifying than usual, showing the total assets of the Association to be \$22,477.69, an increase during the year, despite the heavy expenses incurred for the numerous activities of the Association, of \$1,243.99. The membership of the Association in 1904 was 2,163, an increase of 93 over the preceding year.

The report of the Pacific Coast Branch was transmitted by the secretary,<sup>a</sup> Prof. Max Farrand, and Prof. H. Morse Stephens gave a statement concerning the numbers and the plans and purposes of the new western organization. One meeting, a very successful one, has been held in San Francisco, and it is intended to hold a meeting the coming year at Portland in connection with the Lewis and Clark celebrations. The present membership of the branch is 130. The committee on the Justin Winsor prize expressed its gratification at the general character and quality of the papers submitted, and announced the awarding of the prize<sup>b</sup> to Mr. W. R. Manning, of Purdue University, for his monograph on "The Nootka Sound Controversy," and that the monograph of Mr. C. O. Paullin on "The Navy of the American Revolution" had received honorable mention. The Association approved recommendations of the committee to the effect that more emphasis should be laid on the critical bibliography and that all mention of universities or former instructors should be omitted. Approval was likewise given the report of the committee on the Herbert Baxter Adams prize, which recommended that for the present the prize should be \$200, that it be awarded every second year, and that the rules governing the competition be practically the same as those in force for the Winsor prize competition. The prize is to be offered for the best monograph "based upon independent investigation in European history, by which is meant the history of Europe, continental or insular, or any part thereof."

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<sup>a</sup> Printed in full in this volume.

<sup>b</sup> The successful monograph is printed in full in this volume.

Prof. E. G. Bourne, in behalf of the Historical Manuscripts Commission, said that steps had been taken to edit and prepare for the printer the diplomatic correspondence of the Republic of Texas. The editorial work is to be done by Prof. George P. Garrison. In giving the report of the Public Archives Commission, Prof. H. V. Ames said that the commission has representatives in 32 States and has already published one or more reports from 18 States. Six additional reports appear in the "Annual Report" of the Association for 1904, and other investigations are in progress. The work of the commission has helped the passage of laws in several of the States for the better preservation of the public records. Prof. H. L. Osgood is editing the council journals of New York City, the proposed publication of which is directly traceable to his study of the records of the State in behalf of the commission. Dr. E. C. Richardson reported that the Bibliographical Committee had been engaged in making additions to the information collected by Prof. W. H. Siebert concerning collections of material on European history in American libraries. At present the list is limited to special library collections and does not indicate individual books; but the committee intends to make up a list of two or three thousand of the great series, with indication of the libraries in which they may be found. The work of the General Committee consisted in preparing a list of persons eligible to membership in the Association and of assisting the committee on the programme of the Chicago meeting in arranging for a conference of representatives of State and local historical societies. The success of the conference led to the appointment of a subcommittee, composed of Dr. R. G. Thwaites and Profs. B. F. Shambaugh and F. L. Riley, with the special task of reporting at a further conference upon the best methods of organization and work on the part of State and local historical societies. The General Committee, in addition to its usual duties, will undertake the preparation of a list of those members who are engaged in research, classifying them according to the fields in which they are at work. The committee will also investigate, in connection with other historical societies, the extent to which historic sites have been marked or otherwise accurately determined.

The Association voted to meet the coming year in Baltimore and Washington, and in Providence in 1906. The committee on nominations, composed of Prof. F. J. Turner, Charles H. Hull, and A. L. P. Dennis, proposed a list of officers, all of whom were chosen by the Association. Prof. John B. McMaster was chosen president, Judge Simeon E. Baldwin first vice-president, and Prof. J. Franklin Jameson second vice-president. Mr. A. Howard Clark, Prof. Charles H. Haskins, and Dr. Clarence W. Bowen were re-elected to their former positions. In the place of Dr. Herbert Putnam and Prof. F. J. Turner, who had served three years on the council, were chosen Prof. George P. Garrison and Dr. Reuben G. Thwaites.

The following list includes the names of members who registered at the headquarters in the course of the meeting:

George B. Adams, New Haven, Conn.  
Henry Carter Adams, Ann Arbor, Mich.  
Victoria A. Adams, Chicago, Ill.  
C. W. Alvord, Urbana, Ill.  
C. H. Ames, Boston, Mass.  
Herman V. Ames, Philadelphia, Pa.  
Frank Maloy Anderson, Minneapolis, Minn.  
Charles M. Andrews, Bryn Mawr, Pa.  
Edward E. Ayer, Chicago, Ill.  
Earle J. Babcock, New York City.  
James Bain, Toronto, Canada.  
Earnest A. Balch, Detroit, Mich.  
Alice M. Baldwin, Fargo, N. Dak.  
C. M. Barber, Chicago, Ill.  
Levi D. Barbour, Detroit, Mich.  
A. J. Baughman, Mansfield, Ohio.  
Adelaide S. Baylor, Wabash, Ind.  
Myron H. Beach, Chicago, Ill.  
William Beer, New Orleans, La.  
E. J. Benton, Cleveland, Ohio.  
Arthur E. Bestor, Chicago, Ill.  
Bessie Boies, Painesville, Ohio.  
Josephine O. Bostwick, Kingston, R. I.  
Mrs. A. R. Bourne, Bethany, W. Va.  
E. G. Bourne, New Haven, Conn.  
H. E. Bourne, Cleveland, Ohio.  
Clarence W. Bowen, New York City.  
E. Mortimer Boyle, New York City.  
Edith C. Bramhall, Rockford, Ill.  
Edward O. Brown, Chicago, Ill.

George Bryce, Winnipeg, Manitoba.  
James C. Burns, Macomb, Ill.  
Mrs. James C. Burns, Macomb, Ill.  
C. M. Burton, Detroit, Mich.  
Edward O. Bynum, Chicago, Ill.  
Howard W. Caldwell, Lincoln, Nebr.  
J. Morton Callahan, Morgantown, W. Va.  
W. H. Cathcart, Cleveland, Ohio.  
Ralph C. H. Catterall, Ithaca, N. Y.  
Robert C. Chapin, Beloit, Wis.  
Francis A. Christie, Meadville, Pa.  
H. V. Church, Berwyn, Ill.  
Edna R. Chynoweth, Madison, Wis.  
Frederick A. Cleveland, New York City.  
Catharine C. Cleveland, Baltimore, Md.  
Benjamin F. Coen, Rockford, Ill.  
Victor Coffin, Madison, Wis.  
C. W. Colby, Montreal, Canada.  
Horace M. Conaway, Warren, Pa.  
Archibald Cary Coolidge, Cambridge, Mass.  
I. J. Cox, Cincinnati, Ohio.  
Josephine M. Cox, Indianapolis, Ind.  
Mary B. Cox, Huntington, Ind.  
C. C. Crawford, Madison, Wis.  
William H. Crawford, Meadville, Pa.  
Arthur Lyon Cross, Ann Arbor, Mich.  
Frances G. Davenport, Poughkeepsie, N. Y.  
Jesse B. Davis, Detroit, Mich.  
Walter S. Davis, Richmond, Ind.  
Alfred L. P. Dennis, Chicago, Ill.  
Alfred Pearce Dennis, Northampton, Mass.  
Frank H. Dixon, Hanover, N. H.  
Walter B. Douglas, St. Louis, Mo.  
Earle W. Dow, Ann Arbor, Mich.  
William A. Dunning, New York City.  
George M. Dutcher, Middletown, Conn.  
Albert E. Ebert, Chicago, Ill.  
C. C. Eckhardt, Columbia, Mo.  
Ephraim Emerton, Cambridge, Mass.  
Nelson W. Evans, Portsmouth, Ohio.  
John G. Ewing, Notre Dame, Ind.  
May L. Fairbanks, Mount Vernon, Iowa.  
Sidney B. Fay, Hanover, N. H.  
James W. Fertig, Chicago, Ill.  
Mayo Fesler, Chicago, Ill.  
C. R. Fish, Madison, Wis.  
Fred Morrow Fling, Lincoln, Nebr.  
Worthington C. Ford, Washington, D. C.  
Ernst Freund, Chicago, Ill.

Herbert Friedenwald, Philadelphia, Pa.  
 Henry B. Gardner, Providence, R. I.  
 George P. Garrison, Austin, Tex.  
 Edwin F. Gay, Cambridge, Mass.  
 Nicholas P. Gilman, Meadville, Pa.  
 Ulysses Grant Gordon, Taylorville, Ill.  
 John H. Gray, Evanston, Ill.  
 Evarts B. Greene, Urbana, Ill.  
 Lyman Bronson Hall, Oberlin, Ohio.  
 Albert S. Harding, Brookline, S. Dak.  
 S. B. Harding, Bloomington, Ind.  
 William R. Harper, Chicago, Ill.  
 N. D. Harris, Appleton, Wis.  
 Albert Bushnell Hart, Cambridge, Mass.  
 Charles H. Haskins, Cambridge, Mass.  
 Augustus R. Hatton, Chicago, Ill.  
 Nils P. Haugen, Madison, Wis.  
 C. D. Hazen, Northampton, Mass.  
 Franklin H. Head, Chicago, Ill.  
 Mary R. Hellacot, Waterbury, Conn.  
 Amos S. Hershey, Bloomington, Ind.  
 E. E. Hill, Chicago, Ill.  
 Henry W. Hill, Buffalo, N. Y.  
 H. H. Hilton, Chicago, Ill.  
 Ripley Hitchcock, New York City.  
 F. H. Hodder, Lawrence, Kans.  
 Cyrus W. Hodgkin, Richmond, Ind.  
 Arthur Hoermann, Watertown, Wis.  
 D. H. Holbrook, Fond du Lac, Wis.  
 Agnes E. Home, San Jose, Cal.  
 George E. Howard, Lincoln, Nebr.  
 Richard Hudson, Ann Arbor, Mich.  
 Charles H. Hull, Ithaca, N. Y.  
 Carl F. Huth, Madison, Wis.  
 Joseph H. Iglehart, Evansville, Ind.  
 J. A. James, Evanston, Ill.  
 J. Franklin Jameson, Chicago, Ill.  
 Marcus W. Jernegan, Chicago, Ill.  
 Allen Johnson, Grinnell, Iowa.  
 Franklin W. Johnson, Waterville, Me.  
 Lillian W. Johnson, Oxford, Ohio.  
 R. M. Johnston, Cambridge, Mass.  
 Beulah Judson, Oxford, Ohio.  
 Harry P. Judson, Chicago, Ill.  
 Louise Phelps Kellogg, Madison, Wis.  
 Elizabeth W. Kenyon, Kingston, R. I.  
 Everett Kimball, Northampton, Mass.  
 Julia A. King, Ypsilanti, Mich.  
 Susan M. Kingsbury, Poughkeepsie, N. Y.



Frances A. Knox, Chicago, Ill.  
E. B. Krehbiel, Chicago, Ill.  
Laurence M. Larson, Milwaukee, Wis.  
Florence E. Leadbetter, Boston, Mass.  
Orpha E. Leavitt, Dousman, Wis.  
Charles H. Lee, Racine, Wis.  
Henry E. Legler, Milwaukee, Wis.  
Waldo G. Leland, Washington, D. C.  
Harlow Lindley, Richmond, Ind.  
Isidor Loeb, Columbia, Mo.  
G. D. Luetscher, Philadelphia, Pa.  
Edith Kathryn Lyle, Milwaukee, Wis.  
F. M. Lyon, Boston, Mass.  
Charles McCarthy, Madison, Wis.  
Margaret McCoy, Chicago, Ill.  
William MacDonald, Providence, R. I.  
C. H. McIlwain, Oxford, Ohio.  
A. C. McLaughlin, Washington, D. C.  
John Bach McMaster, Philadelphia, Pa.  
John H. McMillan, Monmouth, Ill.  
Edgar M. McNeal, Chicago, Ill.  
Jesse Macy, Grinnell, Iowa.  
Martha J. Maltby, Columbus, Ohio.  
Charles W. Mann, Chicago, Ill.  
Frank B. Marsh, Ann Arbor, Mich.  
William I. Marshall, Chicago, Ill.  
O. J. Marston, Ripon, Wis.  
George W. Martin, Kansas Historical Society.  
Shaller Mathews, Chicago, Ill.  
Archibald B. Maynard, Vermillion, S. Dak.  
N. P. Mead, New York City.  
George L. Melton, Chicago, Ill.  
C. E. Merriam, Chicago, Ill.  
Roger Bigelow Merriman, Cambridge, Mass.  
W. H. Miner, Cleveland, Ohio.  
James E. Mitchell, Alma, Mich.  
Thomas L. Montgomery, Harrisburg, Pa.  
F. W. Moore, Nashville, Tenn.  
S. H. Moore, Georgetown, Tex.  
Thomas F. Moran, Lafayette, Ind.  
Jenny H. Morrill, Atlanta, Ga.  
Henry C. Morris, Chicago, Ill.  
D. C. Munro, Madison, Wis.  
David S. Muzzey, New York City.  
George P. Nauman, Naperville, Ill.  
Aaron Newell, Dubuque, Iowa.  
Elizabeth B. Noyes, Oshkosh, Wis.  
Mrs. Kate A. Oliver, Chicago, Ill.  
Thomas M. Owen, Montgomery, Ala.

Edward C. Page, De Kalb, Ill.  
 Mrs. Edward C. Page, De Kalb, Ill.  
 Edwin W. Pahlow, Cambridge, Mass.  
 David L. Patterson, jr., Madison, Wis.  
 Stephen D. Peet, Chicago, Ill.  
 Paul S. Peirce, Ames, Iowa.  
 V. V. Phelps, Muskegon, Mich.  
 Ulrich B. Phillips, Madison, Wis.  
 Mrs. E. J. G. Potter, Alpena, Mich.  
 B. E. Powell, Wilmette, Ill.  
 Herbert Putnam, Washington, D. C.  
 J. W. Putnam, Evanston, Ill.  
 Mary B. Putnam, Ypsilanti, Mich.  
 William Radebaugh, Chicago, Ill.  
 C. H. Rammekamp, Jacksonville, Ill.  
 Samuel H. Ranck, Grand Rapids, Mich.  
 E. O. Randall, Columbus, Ohio.  
 William A. Rawles, Bloomington, Ind.  
 Jesse S. Reeves, Richmond, Ind.  
 Paul S. Reinsch, Madison, Wis.  
 R. Resky, Harrisburg, Pa.  
 James Ford Rhodes, Boston, Mass.  
 E. C. Richardson, Princeton, N. J.  
 Robert K. Richardson, Beloit, Wis.  
 Franklin L. Riley, University, Miss.  
 James A. Robertson, Madison, Wis.  
 Edward Van Dyke Robinson, St. Paul, Minn.  
 Florence Porter Robinson, Milwaukee, Wis.  
 James H. Robinson, New York City.  
 Dunbar Rowland, Jackson, Miss.  
 William H. Runyon, La Grange, Ill.  
 F. A. Sampson, Columbia, Mo.  
 John B. Sanborn, Madison, Wis.  
 A. H. Sanford, Stevens Point, Wis.  
 William A. Schaper, Minneapolis, Minn.  
 George L. Scherger, Chicago, Ill.  
 H. L. Schoolcraft, Urbana, Ill.  
 Ferdinand Schwilb, Chicago, Ill.  
 Paul Selby, Chicago, Ill.  
 George C. Sellery, Madison, Wis.  
 Allen D. Severance, Cleveland, Ohio.  
 Frank H. Severance, Buffalo, N. Y.  
 Benjamin F. Shambaugh, Iowa City, Iowa.  
 A. Hunt Shearer, Hartford, Conn.  
 Francis W. Shepardson, Chicago, Ill.  
 Charles H. Shinn, Sierra Reserve, North Fork, Cal.  
 Henry R. Shipman, Hanover, N. H.  
 Adam Shortt, Kingston, Canada.  
 W. H. Siebert, Columbus, Ohio.

St. George L. Sloussat, Sewanee, Tenn.  
William M. Sloane, New York City.  
Charles E. Slocum, Defiance, Ohio.  
Albion W. Small, Chicago, Ill.  
Ernest A. Smith, Meadville, Pa.  
Leon E. Smith, Ithaca, N. Y.  
Theodore C. Smith, Williamstown, Mass.  
Edwin E. Sparks, Chicago, Ill.  
Henry R. Spencer, Columbus, Ohio.  
H. C. Stanciliff, Mount Vernon, Iowa.  
Albert Stenmo, Chicago, Ill.  
H. Morse Stephens, Berkeley, Cal.  
E. L. Stevenson, New Brunswick, N. J.  
J. F. Steward, Chicago, Ill.  
Mabel A. Steward, Kalamazoo, Mich.  
James Sullivan, New York City.  
Albert T. Swing, Oberlin, Ohio.  
Marion Talbot, Chicago, Ill.  
Benjamin S. Terry, Chicago, Ill.  
Lucy E. Textor, New Haven, Conn.  
James Westfall Thompson, Chicago, Ill.  
R. G. Thwaites, Madison, Wis.  
A. C. Tilton, Madison, Wis.  
N. M. Trenholme, Columbia, Mo.  
Frederick J. Turner, Madison, Wis.  
Edward Tuthill, Madison, Wis.  
A. H. Tuttle, Columbus, Ohio.  
Warren Upham, St. Paul, Minn.  
Harry S. Vaile, Chicago, Ill.  
C. H. Van Tyne, Ann Arbor, Mich.  
John Martin Vincent, Baltimore, Md.  
G. O. Virtue, Winona, Minn.  
Alice E. Wadsworth, Chicago, Ill.  
Joseph Parker Warren, Chicago, Ill.  
R. B. Way, Evanston, Ill.  
U. G. Weatherly, Bloomington, Ind.  
Homer J. Webster, Chicago, Ill.  
Dora Wells, Chicago, Ill.  
Willis M. West, Minneapolis, Minn.  
W. L. Westermann, Columbia, Mo.  
Peter White, Marquette, Mich.  
Arthur H. Wilde, Evanston, Ill.  
Alice Bradford Wiles, Chicago, Ill.  
J. A. Wilgus, Platteville, Wis.  
Westel W. Willoughby, Baltimore, Md.  
George G. Wilson, Providence, R. I.  
A. P. Winston, St. Louis, Mo.  
Arthur M. Wolfson, New York City.  
Frank H. Wood, Clinton, N. Y.

James Albert Woodburn, Bloomington, Ind.  
 Walter E. C. Wright, Olivet, Mich.  
 C. T. Wyckoff, Peoria, Ill.  
 Maurice Zeligzon, Cleveland, Ohio.  
 J. C. Zeller, Chebansee, Ill.

*The American Historical Association, in account with Clarence W. Bowen, treasurer.*

		DR.	
1904. Dec. 21	To disbursements as follows:		
	Treasurer's clerk hire, etc., vouchers 1, 31, 54, 64, 88, 104	\$185.00	
	Secretary's clerk hire, etc., vouchers 26, 43, 52, 60, 69, 75	297.20	
	Corresponding secretary's expenses, vouchers 9, 36, 82	38.75	
	Expenses Pacific Coast Branch, voucher 44	17.00	
	Postage and stationery, treasurer and secretary, vouchers 10, 14, 20, 24, 27, 49, 58, 61, 72, 84, 86	181.57	
	American Historical Review, vouchers 4, 15, 17, 21, 23, 80, 32, 35, 37, 38, 41, 45, 50, 62, 65, 71, 73, 77, 78, 79, 85, 87, 93, 96, 102	4,299.00	
	Public archives commission, vouchers 74, 83, 101	83.65	
	Historical manuscripts commission, vouchers 7, 8, 16, 19, 28, 29, 57, 94	262.56	
	Winsor prize committee, voucher 46	100.00	
	General committee, vouchers 55, 56, 81, 98, 99	52.80	
	Account annual report 1902, vouchers 3, 5	34.00	
	Printing 1904 catalogue, vouchers 48, 50, 51, 53	118.25	
	Expenses nineteenth annual meeting, vouchers 6, 11, 12, 13, 18	85.40	
	Expenses twentieth annual meeting, vouchers 97, 100	79.44	
	Expenses executive council, vouchers 25, 89, 90, 91, 92, 95	62.50	
	Engraving certificates, vouchers 39, 47, 63, 70	4.10	
	Bank collection charges, vouchers 2, 22, 33, 40, 42, 66, 67, 80, 103	7.38	
	Interest, voucher 68	12.50	
	Loan on bond and mortgage, voucher 34	20,000.00	
	Flowers for Senator Hoar's funeral, voucher 76	15.00	
	Balance cash on hand in National Park Bank	2,293.24	
	Total	28,199.34	
		CR.	
1903. Dec. 24	By balance cash on hand	15,117.64	
1904. Dec. 21	By receipts as follows:		
	1,990-1/3 annual dues, at \$3	5,971.00	
	1 annual dues	2.75	
	2 annual dues, at \$3.05	6.10	
	3 annual dues, at \$3.10	9.30	
	1 annual dues	3.15	
	Do	3.38	
	Do	3.50	
	5 life memberships	250.00	
	Sales of publications	70.00	
	Royalty on The Study of History in Schools	19.55	
	Sale of bank stock	1,147.25	
	Herbert B. Adams fund	4,875.00	
	Interest on H. B. Adams fund	97.76	
	Interest on deposit with United States Trust Co	222.98	
	Interest on bond and mortgage	400.00	
	Total	28,199.34	

We have examined the books and records of the above Association, and certify that the statement of receipts and disbursements as set forth above is, in our opinion, correct.

THE AUDIT COMPANY OF NEW YORK,  
 E. T. PERRINE, General Manager.

New York, December 23, 1904.

H. Doc. 429, 58-3—4

We have examined the above report of The Audit Company of New York on the statement of receipts and disbursements of the treasurer of the American Historical Association and a check certified by the National Park Bank of New York to the order of the treasurer and in his hands for \$2,293.24—the balance of cash on hand—and from said report and check audit said statement and account as correct.

EDWARD O. BROWN,  
F. H. HODDER,  
*Auditing Committee.*

The assets of the Association are:	
Bond and mortgage real estate at No. 24 East Ninety-fifth street, New York-----	\$20,000.00
Accrued interest from September 29, 1904, to date-----	184.45
Cash on hand-----	2,293.24
	22,477.69
An increase during the year of-----	1,243.09
Respectfully submitted. .	

CLARENCE W. BOWEN, *Treasurer.*

NEW YORK, December 21, 1904.

*American Historical Association.*

Total receipts, 1904-----	\$13,081.70
Less sales of bank stock-----	\$1,147.25
Transfer from H. B. Adams fund-----	4,875.00
	6,022.25
Net receipts-----	\$7,059.45
Total disbursements, 1904-----	25,906.10
Less loan on bond and mortgage-----	20,000.00
Net disbursements-----	5,906.10
Excess of receipts over disbursements-----	1,153.35

PRESENT ACTIVITIES OF THE ASSOCIATION.

The following list enumerates the present leading activities of the American Historical Association:

(1) The annual meeting of the Association held during the Christmas holidays in the East or the West or the District of Columbia in triennial succession.

(2) The annual report of the secretary of the Association concerning the annual meeting and its proceedings, with the papers, bibliographies, and other historical materials submitted through the Secretary of the Smithsonian Institution for publication by Congress.

(3) The preservation of historical exchanges, books, pamphlets, reports, and papers of the Association in the National Museum, at Washington, D. C., in the keeping of Mr. A. Howard Clark, secretary of the Association and curator of the historical collections.

(4) The Historical Manuscripts Commission of six members, established in 1895, and now receiving from the Association a subsidy of \$500 a year for the collection and editing of important manuscripts; Prof. Edward G. Bourne, of Yale University, chairman.

(5) The Public Archives Commission, established in 1899, for investigating the public archives of the several States and of the United States, and now receiving a subsidy of \$500 a year for the expenses incident to preparing its reports; Prof. Herman V. Ames, of the University of Pennsylvania, chairman.

(6) The Committee on Publications, to pass upon papers and monographs submitted to the Association for publication; Prof. Charles H. Haskins, of Harvard University, chairman.

(7) The Committee on Bibliography, to advise the executive council and to cooperate with the American Library Association upon matters of bibliographical interest; Dr. Ernest C. Richardson, of Princeton University, chairman.

(8) The General Committee, representing the local interests of the Association and its relations with State and local historical societies; Prof. Henry E. Bourne, of Western Reserve University, chairman.

(9) The "Justin Winsor prize" of \$100 for the best unpublished monographic work based upon original investigation in American history; Prof. Charles M. Andrews, of Bryn Mawr College, chairman of the committee.

(10) The American Historical Review, published quarterly, and subsidized by the American Historical Association, whose executive council elects the board of editors; Prof. A. C. McLaughlin, of the Carnegie Institution, managing editor.

(11) A series of reprints of the chief original narratives of early American history, published by authority of the Association; Prof. J. Franklin Jameson, of the University of Chicago, general editor.

(12) The "Herbert Baxter Adams prize" of \$200, awarded biennially, for the best unpublished monograph based upon original investigation in European history; Prof. Charles Gross, of Harvard University, chairman of the committee.

(13) The Committee of Eight on history in elementary schools; Prof. J. A. James, of Northwestern University, chairman.

**MINUTES OF THE BUSINESS MEETING OF THE AMERICAN  
HISTORICAL ASSOCIATION, HELD IN THE MANDEL  
ASSEMBLY HALL, CHICAGO, ILL., AT 3.30 P. M., DECEMBER  
30, 1904.**

Vice-President McMaster in the chair. In the absence of the secretary his duties were performed by the corresponding secretary.

On behalf of the council the corresponding secretary reported that the council had held a meeting at New York November 25, 1904, and two meetings at Chicago, December 28 and 30, 1904, and that at these meetings reports from the various committees and commissions had been presented and considered and the usual appropriations made for the continuation of the work for the coming year. The council recommended that in view of the expectation expressed by the Association at New Orleans, and of similar action by the committee of the American Economic Association, Baltimore and Washington be designated as the meeting place for 1905, and Providence as the place of meeting for 1906, and the recommendation was adopted by the Association.

The council reported that in accordance with a vote passed by the round-table conference of State and local historical societies it had approved the holding of a conference upon the work of State and local historical societies and commissions in connection with the next annual meeting of the Association, and had appointed as chairman of this conference Mr. Thomas M. Owen, director of the Department of Archives and History of the State of Alabama, and as secretary Prof. Benjamin F. Shambaugh, of the State Historical Society of Iowa. The Association voted to approve the action of the council.

In accordance with a resolution passed by the round-table conference on the teaching of history in elementary schools, the Association voted to approve the action of the council in appointing a committee of eight to investigate and report to the Association on a course of history for elementary schools and the proper training of teachers for such work.

The report of the treasurer and the auditing committee was received and accepted.

The report of the organization and annual meeting of the Pacific Coast Branch was transmitted by the secretary, Prof. Max Farrand, and Prof. H. Morse Stephens gave a brief account of the present condition and activity of the branch.

The following committees made brief reports: The Historical Manuscripts Commission, Prof. Edward G. Bourne, chairman; the Public Archives Commission, Prof. Herman V. Ames, chairman; the

board of editors of the "American Historical Review," Prof. George B. Adams, chairman; the Bibliographical Committee, Dr. Ernest C. Richardson, chairman; the General Committee, Prof. Henry E. Bourne, chairman.

On motion of Prof. Albert Bushnell Hart, the following resolution was adopted by the Association:

"In view of the importance of a proper administration and direction of State aid in behalf of historical work and enterprise: Be it

*"Resolved by the American Historical Association, That the plan of administration in Alabama and Mississippi through State departments of archives and history is hereby earnestly indorsed and commended."*

The committee on the Justin Winsor prize reported that the prize for the year 1904 had been awarded to Mr. W. R. Manning, Lafayette, Ind., for his monograph upon "The Nootka Sound Controversy," and that honorable mention had been made of the monograph of C. O. Paullin on "The Navy of the American Revolution."

The Association approved two certain proposed changes in the rules governing the award of the Winsor prize, to the effect that more emphasis should be laid upon a critical bibliography and that all mention of universities or former instructors be excluded from the monographs handed in for the competition.

The committee on the Herbert Baxter Adams prize made the following report, which was adopted by the Association:

"The committee on the newly created Herbert Baxter Adams prize in European history, to whose consideration was last year referred the question as to the frequency of award of that prize and as to its amount, recommends that for the present the prize be awarded only every second year, and that its amount be \$200. In making only this recommendation we do not overlook the suggestion, last year advanced, as to a larger Adams prize to be awarded at less frequent intervals for maturer work; but this, for which the residue of the Adams fund may still suffice, can perhaps wisely be left to the later discretion of the Association."

The Association also approved the recommendation of the committee that the rules governing the competition for the Adams prize be the same as those now in force for the Winsor prize, with the exception of the following change in the second paragraph of these rules:

"The monograph must be based upon independent and original investigation in European history, by which is meant the history of Europe, continental and insular, or any part thereof."

The committee on nominations, consisting of Messrs. Frederick J. Turner, Charles H. Hull, and A. L. P. Dennis, proposed the following list of officers for the ensuing year, for which the secretary was instructed to cast the ballot of the Association: President, John Bach McMaster, LL. D., Philadelphia, Pa.; first vice-president, Simeon E. Baldwin, LL. D., New Haven, Conn.; second vice-president, J. Franklin Jameson, LL. D., Chicago, Ill.; secretary, A. Howard Clark, Smithsonian Institution, Washington, D. C.; corresponding secretary,



Charles H. Haskins, Ph. D., Cambridge, Mass.: treasurer, Clarence W. Bowen, Ph. D., New York City. Executive council (in addition to the above-named officers and the ex-presidents of the Association), George L. Burr, LL. D., Ithaca, N. Y.; Edward P. Cheyney, A. M., Philadelphia, Pa.; Edward G. Bourne, Ph. D., New Haven, Conn.; Andrew C. McLaughlin, A. M., Washington, D. C. (these four were renominated); George P. Garrison, Ph. D., Austin, Tex.; Reuben G. Thwaites, LL. D., Madison, Wis.

The following resolutions, proposed by a committee consisting of Messrs. Richard Hudson, Dunbar Rowland, and Charles D. Hazen, were unanimously adopted by the Association:

"The American Historical Association expresses its hearty appreciation of the generous hospitality of the University of Chicago, its president and faculties, who have so largely contributed to the success of its twentieth annual meeting.

"It desires to make particular mention of obligation to the local committee and its chairman and secretary, Mr. Charles L. Hutchinson and Dr. J. Franklin Jameson, for their untiring efforts in its behalf.

"The Association also places on record its appreciation of the courtesies extended by the Chicago Historical Society, Northwestern University, the Quadrangle Club, the University Club, the Union League Club, the City Club, the Chicago Women's Club, and by individual citizens of Chicago."

On behalf of the council, the corresponding secretary announced the appointment of the following committees:

#### ANNUAL COMMITTEES.

*Committee on the programme for the twenty-first annual meeting* (Baltimore and Washington, 1905).—John Martin Vincent, Charles M. Andrews, F. A. Christie, Charles H. Haskins, and Andrew C. McLaughlin.

*Joint local committee of arrangements for the American Historical Association, American Economic Association, and American Political Science Association.*—Theodore Marburg, J. H. Hollander, John Martin Vincent, W. W. Willoughby; with power to add members at the discretion of the chairman.

*Committee on the entertainment of ladies.*—Mrs. Annie M. L. Sloussat, Miss Ida M. Tarbell; with power to add members at the discretion of the chairman.

#### STANDING COMMITTEES, COMMISSIONS, AND BOARDS.

*Editors of the "American Historical Review."*—H. Morse Stephens, George B. Adams, J. Franklin Jameson, William M. Sloane, Albert Bushnell Hart (these five hold over); Andrew C. McLaughlin (re-elected for term ending January 1, 1911).

*Historical Manuscripts Commission.*—Edward G. Bourne, Frederick W. Moore, Reuben G. Thwaites, Worthington C. Ford, Andrew C. McLaughlin, Thomas M. Owen.

*Committee on the Justin Winsor prize.*—Charles M. Andrews, E. P. Cheyney, Charles H. Hull, Roger Foster, Williston Walker.

*Committee on the Herbert Baxter Adams prize.*—Charles Gross, George L. Burr, Victor Coffin, James Harvey Robinson, John Martin Vincent.

*Public Archives Commission.*—Herman V. Ames, William MacDonald, Herbert L. Osgood, Charles M. Andrews, E. E. Sparks.

*Committee on bibliography.*—Ernest C. Richardson, A. P. C. Griffin, George Hes, William C. Lane, Reuben G. Thwaites, Max Farrand.

*Committee on publications.*—Charles H. Haskins, A. Howard Clark, F. M. Fling, S. M. Jackson, Miss Elizabeth Kendall, A. D. Morse, Earle W. Dow.

*General committee.*—Henry E. Bourne, Charles H. Haskins, Miss Lucy M. Salmon, Miss Lillian W. Johnson, John S. Bassett, William MacDonald, F. H. Hodder, F. L. Riley, B. F. Shambaugh, R. G. Thwaites, F. G. Young (with power to add adjunct members).

*Committee of eight on history in elementary schools.*—J. A. James, Henry E. Bourne, E. C. Brooks, Wilbur F. Gordy, Miss Mabel Hill, Julius Sachs, Henry W. Thurston, J. H. Van Sickle.

*Finance committee.*—J. H. Eckels, Peter White.

The meeting adjourned at 5 p. m.

CHARLES H. HASKINS,  
*Corresponding Secretary.*



**PROGRAMME OF EXERCISES AT THE TWENTIETH ANNUAL MEETING OF THE AMERICAN HISTORICAL ASSOCIATION, HELD AT CHICAGO, DECEMBER 28, 29, AND 30, 1904.**

Persons not members of the Association will be cordially welcome to the sessions.

Papers are limited to twenty minutes, and discussions to ten minutes for each speaker. Those who read papers or take part in the conferences are requested to furnish the secretary with abstracts of their papers or remarks.

**FIRST SESSION, WEDNESDAY, 10.30 A. M., IN MANDEL ASSEMBLY HALL.**

Address of welcome. President William R. Harper, of the University of Chicago.

Annual address (before the three associations): The Work of the American Political Science Association. Prof. Frank J. Goodnow, president of the Association.

**JOINT MEETING WITH THE AMERICAN POLITICAL SCIENCE ASSOCIATION.**

1. The Contrast of Political Theory and Practice in France under the Convention. William M. Sloane, professor in Columbia University.
2. The Relation of the Executive to the Legislative Power. James T. Young, director of the Wharton School, University of Pennsylvania.
3. The Napoleonic Confederacy in the United States. Jesse S. Reeves, of Richmond, Ind.

Wednesday, 1 p. m., luncheon in Hutchinson Hall; 3 p. m., meeting of the executive council and of committees, Reynolds Club House; 3-6 p. m., tea for ladies, at the house of Mrs. Hale, 5757 Lexington avenue.

**SECOND SESSION, WEDNESDAY, 8 P. M., AT THE CHICAGO HISTORICAL SOCIETY.**

**JOINT MEETING WITH THE AMERICAN ECONOMIC ASSOCIATION.**

Address of welcome. President Franklin H. Head, of the Chicago Historical Society.

Annual address: The Present Position of the Doctrine of Free Trade. Frank W. Taussig, president of the American Economic Association.

Annual address: The Treatment of History. Goldwin Smith, president of the American Historical Association.

Wednesday, 10 p. m., reception by the Chicago Historical Society.

THIRD SESSION, THURSDAY, 10.30 A. M., IN THE REYNOLDS CLUB HOUSE.

"ROUND TABLE" CONFERENCES, IN FOUR SECTIONS.

1. On the Problems of State and Local Historical Societies (library, north room, first floor). Chairman, Reuben G. Thwaites, secretary of the State Historical Society of Wisconsin.
    - a. Forms of Organization, and Relation to the State Governments. Thomas M. Owen, director of the Department of Archives and History, Alabama; Warren Upham, secretary of the Minnesota Historical Society.
    - b. The Possibilities of Mutual Co-operation between Societies, State and Local. C. M. Burton, president of the Michigan Pioneer and Historical Society; Benjamin F. Shambaugh, State Historical Society of Iowa.
  2. On the Teaching of History in the Elementary School (theater, third floor). Chairman, James A. James, professor in Northwestern University.
    - a. Some Suggestions for an Elementary Course in History. Henry W. Thurston, Chicago Normal School; G. O. Virtue, Winona State Normal School; William H. Elson, superintendent, Grand Rapids.
    - b. The Preparation of the Elementary Teacher. Emily J. Rice, School of Education, University of Chicago.
  3. On the Doctoral Dissertation in History, and the Doctor's Degree (south room, second floor). Chairman, George B. Adams, professor in Yale University.
    - a. On the Character of the Thesis. Dana C. Munro, University of Wisconsin; James H. Robinson, Columbia University; George E. Howard, University of Nebraska.
    - b. Subjects for Theses. Charles H. Haskins, Harvard University; Albert Bushnell Hart, Harvard University
  4. On the Teaching of Church History (tower room, second floor). Chairman, Francis A. Christle, professor in Meadville Theological School.
    - a. Methods of Teaching. Albert Temple Swing, Oberlin Seminary.
    - b. The Promotion of Research. Shaller Mathews, University of Chicago.
    - c. Church History in Colleges and Graduate Schools. Carl R. Fish, University of Wisconsin.
- Thursday, 4 p. m., reception by President Harper.

FOURTH SESSION, THURSDAY, 8 P. M., IN MANDEL ASSEMBLY HALL.

1. The Historical Congresses at St. Louis. Charles W. Colby, professor in McGill University.
2. On Roman History. Ettore Pais, professor in the University of Naples.
3. The Work of American Historical Societies. Henry E. Bourne, professor in Western Reserve University.
4. The Travels of Jonathan Carver. Edward G. Bourne, professor in Yale University.
5. The Exploration of the Louisiana Frontier, 1803-1806. Isaac J. Cox, instructor in the University of Cincinnati.

Thursday, 10 p. m., smoker at the Hotel del Prado; 10 p. m., reception for ladies, by Mrs. Wilmarth and Mrs. Thompson, 5747 Washington avenue.

FIFTH SESSION, FRIDAY, 10.30 A. M., IN MANDEL ASSEMBLY HALL.

1. The Necessity in America of the Study of the Early History of Modern European Nations. Friedrich Keutgen, professor in the University of Jena.
2. Russian Historiography. Paul Milyoukov, formerly professor in the University of Sofia.
3. The Diplomatic Archives of the Department of State. Andrew C. McLaughlin, director of the Bureau of Historical Research, Carnegie Institution.
4. The Materials for American History in the English Archives. Charles M. Andrews, professor in Bryn Mawr College.
5. Government Archives in Our New Possessions. Worthington C. Ford, chief of the Division of Manuscripts, Library of Congress.

*Friday, 3.30 p. m., annual meeting of the Association, Mandel Assembly Hall.*

1. Report of the Council.
2. Report of the Treasurer and Auditing Committee.
3. Report of the Historical Manuscripts Commission.
4. Report of the Public Archives Commission.
5. Report of the Committee on the Justin Winsor prize.
6. Report of the Committee on the Herbert Baxter Adams prize.
7. Report of the board of editors of the American Historical Review.
8. Report of the Committee on Bibliography.
9. Report of the General Committee.
10. Report of the editor of the "Original Narratives for Early American History."
11. Election of officers.
12. Report of the committee on resolutions.

SIXTH SESSION, FRIDAY, 8 P. M., AT THE PROFESSIONAL BUILDING OF  
NORTHWESTERN UNIVERSITY, LAKE AND DEARBORN STREETS.

JOINT MEETING WITH THE AMERICAN ECONOMIC ASSOCIATION.

1. The Significance of the Inclosure Movement in England. Edwin F. Gay, professor in Harvard University.
2. An Economic History of the United States. Carroll D. Wright, chairman of the Department of Economics and Sociology in the Carnegie Institution.

Discussion led by John B. McMaster, University of Pennsylvania, and Charles H. Hull, Cornell University, of the American Historical Association; Henry R. Seager, Columbia University, and Jacob H. Hollander, Johns Hopkins University, of the American Economic Association.

To be read by title: Report on the Collections of Material in European History and Subsidiary Fields to be found in the Libraries of the United States, by Wilbur H. Siebert, professor in the Ohio State University.

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COMMITTEE CIRCULARS.

[The Justin Winsor prize. Committee: Charles M. Andrews (chairman), Bryn Mawr College; Edward P. Cheyney, University of Pennsylvania; Roger Foster, New York; Williston Walker, Yale University; Charles H. Hull, Cornell University.]

The Justin Winsor prize of \$100, offered by the American Historical Association for the encouragement of historical research, will be awarded for the year 1905 to the best unpublished monograph in the field of American history that shall be submitted to the committee of award on or before October 1, 1905.

I. The prize is intended for writers who have not yet published any considerable work or obtained an established reputation.

II. The monograph must be based upon independent and original investigation in American history, by which is meant the history of any of the British colonies in America to 1776, of other portions of the continent which have since been included in the territory of the United States, and of the United States. It may deal with any aspect of that history—social, political, constitutional, religious, economic, ethnological, military, or biographical, though in the last three instances a treatment exclusively ethnological, military, or biographical would be unfavorably received.

III. The monograph must present subject-matter of more than personal or local interest, and must, as regards its conclusions, be a distinct contribution to knowledge. Its statements must be accurate, and the author in his treatment of the facts collected must show originality and power of interpretation.

IV. The monograph must conform to the accepted canons of historical research and criticism. It must be presented in scientific form. It must contain references to all authorities. It must be accompanied by a critical bibliography. Should the bibliography be omitted or should it consist only of a list of titles without critical comments and valuations, the monograph will not be admitted to the competition.

V. In length the monograph should not be less than 30,000 words, or about 100 pages of print. It may be more. If possible, it should be type-written; but in any case it should be presented to the committee free from erasures, interlineations, and other evidences of revision. If the work is not type-written, it must be written carefully and legibly on only one side of the sheet and must be in form ready for publication.

VI. In addition to text, footnotes, and bibliography, the monograph must contain nothing except the name and address of the author and a short introduction setting forth the character of the material and the purpose of the work. After the award has been made the successful competitor may add such personal allusions as are customary in a printed work.

VII. In making the award the committee will consider not only research, accuracy, and originality, but also clearness of expression, logical arrangement, and especially literary form. The successful monograph must be written in good English. The prize will not be awarded unless the work submitted shall be of a high degree of excellence.

VIII. The successful monograph will be published by the American Historical Association in its annual report. The author will be given 25 copies of his work bound separately in paper and 25 bound in cloth; but in case he desire additional copies for personal distribution, or to present as part of the requirement for the doctor's degree, he shall pay the cost of striking off the extra copies. Separate copies of the monograph, bound in cloth, may be obtained of the Secretary by any one desiring them at a cost of 50 cents each.

IX. Under the rules of the Government the successful competitor can purchase copies of his work from the Public Printer and put them on sale at such price as he may see fit. Any competitor may make such use of his manuscript as he desires, even while it is in the hands of the committee, provided that in case he receive the award he defer its publication by anyone else than the Association until after the appearance of the report of the Association containing the work in question. He must, however, relinquish all right of copyright in his essay, since the copyright of material published by the Government is forbidden by statute.

Address all correspondence to the chairman of the committee, Prof. Charles M. Andrews, Bryn Mawr, Pa.

The Justin Winsor prize has been awarded as follows:

In 1896 to Herman V. Ames, for his work entitled "The Proposed Amendments to the Constitution of the United States."



From 1897 to 1899 the prize was not awarded.

In 1900 to William A. Schaper, for his work entitled "Sectionalism and Representation in South Carolina;" with honorable mention of the work of Miss M. S. Locke on "Anti-Slavery Sentiment before 1808."

In 1901 to Ulrich B. Phillips, for his work entitled "Georgia and State Rights;" with honorable mention of the work of Miss M. Louise Greene on "The Struggle for Religious Liberty in Connecticut."

In 1902 to Charles McCarthy, for his work entitled "The Anti-Masonic Party;" with honorable mention of the work of W. Roy Smith on "South Carolina as a Royal Province."

In 1903 to Louise Phelps Kellogg, for her work entitled "The American Colonial Charter: A Study of its Relation to English Administration, chiefly after 1688."

In 1904 to William R. Manning, for his work entitled "The Nootka Sound Controversy;" with honorable mention of the work of C. O. Paullin on "The Navy of the American Revolution."

[The Herbert Baxter Adams prize. Committee: Charles Gross (chairman), Harvard University; George Lincoln Burr, Cornell University; Victor Coffin, University of Wisconsin; James Harvey Robinson, Columbia University; John Martin Vincent, Johns Hopkins University.]

The Herbert Baxter Adams prize of \$200, offered biennially by the American Historical Association for the encouragement of historical research, will be awarded for the year 1905 to the best unpublished monograph in the field of European history that shall be submitted to the committee of award on or before October 1, 1905.

I. The prize is intended for writers who have not yet published any considerable work or obtained an established reputation.

II. The monograph must be based upon independent and original investigation in European history, by which is meant the history of Europe, continental or insular, or any part thereof. It may deal with any aspect of that history—social, political, constitutional, religious, economic, ethnological, military, or biographical, though in the last three instances a treatment exclusively ethnological, military, or biographical would be unfavorably received.

III. The monograph must present subject-matter of more than personal or local interest and must, as regards its conclusions, be a distinct contribution to knowledge. Its statements must be accurate and the author in his treatment of the facts collected must show originality and power of interpretation.

IV. The monograph must conform to the accepted canons of historical research and criticism. It must be presented in scientific form. It must contain references to all authorities. It must be accompanied by a critical bibliography. Should the bibliography be omitted or should it consist only of a list of titles without critical comments and valuations, the monograph will not be admitted to the competition.

V. If possible, the monograph should be type-written, but in any case it should be presented to the committee free from erasures, interlineations, and other evidences of revision. If the work is not type-written, it must be written carefully and legibly on only one side of the sheet, and must be in form ready for publication.

VI. In addition to text, footnotes, and bibliography, the monograph must contain nothing except the name and address of the author and a short introduction setting forth the character of the material and the purpose of the work. After the award has been made the successful competitor may add such personal allusions as are customary in a printed work.

VII. In making the award the committee will consider not only research, accuracy, and originality, but also clearness of expression, logical arrangement, and especially literary form. The successful monograph must be written in good English. The prize will not be awarded unless the work submitted shall be of a high degree of excellence.

VIII. The successful monograph will be published by the American Historical Association in its annual report. The author will be given 25 copies of his work bound separately in paper and 25 bound in cloth; but in case he desires additional copies for personal distribution, or to present as part of the requirement for the doctor's degree, he shall pay the cost of striking off the extra copies. Separate copies of the monograph, bound in cloth, may be obtained of the secretary, by any one desiring them, at a cost of 50 cents each.

IX. Under the rules of the Government the successful competitor can purchase copies of his work from the Public Printer, and put them on sale at such price as he may see fit. Any competitor may make such use of his manuscript as he desires, even while it is in the hands of the committee, provided that in case he receive the award he defer its publication by anyone else than the Association until after the appearance of the report of the Association containing the work in question. He must, however, relinquish all right of copyright in his essay, since the copyright of material published by the Government is forbidden by statute.

Address all correspondence to the chairman of the committee, Prof. Charles Gross, 11 Putnam avenue, Cambridge, Mass.



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II.—THE TREATMENT OF HISTORY.

By GOLDWIN SMITH,  
*President of the American Historical Association.*

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H. Doc. 429, 58-3—5

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## THE TREATMENT OF HISTORY.<sup>a</sup>

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By GOLDWIN SMITH.

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Before entering on my subject let me congratulate the Association and Americans generally on the striking progress made by the study of history here in the course of the last half century. To the names of Bancroft, Hildreth, Prescott, and Palgrave have been added those of Henry C. Lea, Henry Adams, James Ford Rhodes, John B. McMaster, John Fiske, James Schouler, Moses Coit Tyler, W. M. Sloane, Charles Francis Adams, and Woodrow Wilson. The progress shows itself alike in style, in research, and in fairness of judgment. In the style even of Bancroft there lingers something rather too rhetorical, too much savoring of the Fourth of July. Conscientious research has advanced with great strides. It has perhaps been carried almost to the point of exaggeration by researches into the history of obscure municipal institutions. But the excess is infinitely better than the defect.

In fairness and candor also there has been a vast improvement, specially to be noted in the treatment of questions with Great Britain. The Revolution, the war of 1812, and relations with England generally receive far more equitable treatment now than they did of yore. The other day a cry was raised in England that the American school histories are poisoning the minds of Americans against us. Somebody proposed to deal with the subject specially and to stanch the source of rancor. I sent for a number of school histories and examined them. In those of forty or fifty years ago the angry spirit was manifest; but it decreased as the present time was approached, and in the school histories of the present day little, I believe, will be found of

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<sup>a</sup> The president's address to the American Historical Association, December 28, 1904.

which an Englishman could fairly complain. From the taint of national arrogance English histories would hardly be found free. Too much space is given to war. Too much space, perhaps, is given to war in all histories. War is still, unhappily, of all themes the most exciting. It is the best suited for lively description; it strikes the imagination of itself without calling for much skill on the part of the writer. Genius, perhaps, may some day make the annals of peaceful and beneficent achievement interesting even to boys. If I found any special fault with the American school histories, it was not that they were rancorous, but that they were dry. For writing children's books special genius is required.

In proceeding to deal with the treatment of history, we are met at once by the question whether history is or can be made a science. Expectations of this kind are the natural offspring of the vast conquests which science has been making and which seem to proclaim its empire universal. We are confronted at once by the everlasting problem of free will. Human history may be the subject of philosophy; the subject of science it can hardly be if the human will is free. I trust it is not presumptuous to say that this question of free will and necessity seems to me to be a mental puzzle and nothing more. In every action our consciousness, if we appeal to it, tells us that there are two elements—the antecedents or motive, and the volition. In every action which is doubtful or unusual or which calls for a special effort of will we are distinctly conscious of the volition as well as of the antecedents. In habitual and commonplace actions we are not conscious of the volition unless our attention is specially called to it. But always the two elements are there; and upon the presence of the volition depend our retrospective judgments on our own actions and our judgments on the actions of our neighbors. The volition could not take place without the antecedents, nor will the antecedents produce action without the volition. It is difficult, probably impossible, to designate the exact relation between them; hence the puzzle, hence the question about which such controversies have raged. Huxley, biased by physical science, took at one time the extreme necessarian view. But if I mistake not, he had latterly ceased to feel so sure that

man was an automaton which had automatically fancied itself a free agent, but had automatically come back to the belief that after all it was an automaton. His superb good sense prevailed.

There is apparently another serious difficulty in attempting to treat human history as a science. To base a valid induction we must have the phenomena completely before us. But human history is not yet complete, nor do we know how far it may be from completion or what phenomena its progress may be destined to disclose. Comte traces, as he thinks, the history of man through three stages—the theological, the metaphysical, and the positive, with their subdivisions, and assumes that the positive stage is final. He accordingly proceeds to give the world a form of government, a form of religion, a calendar of social worthies, permanent institutions of different kinds. But his finality is without reasonable warrant. The era which he styles positive may not be the last. Destiny may have totally new developments in store. At all events, it is not likely that a government, a religion, or a calendar of worthies framed by a man of this generation will serve for generations yet to come.

Besides, human history is full of accidents baffling to theory as well as to calculation. By the merest accident Napoleon becomes a French citizen. It seems that he had at one time thought of enlisting in the British navy. Had he been shot on the bridge of Lodi, or assassinated by Georges Cadoudal, both of which events were perfectly possible, the whole current of history would have been changed. Gustavus Adolphus is in the full career of victory, which to a moral certainty would have ended in the redemption of Germany. A wreath of mist comes over the field of Lützen and separates him from his troops. He falls, and half Germany remains Catholic. Napoleon, it is true, would not have been what he was or have done what he did without predisposing forces. But the predisposing forces would not have produced the events without Napoleon, whose appearance on the scene, as it could not possibly have been foretold, was, if anything is, a chance. Such instances might be multiplied without number, and they are apparently fatal to the conception and verification of any scientific law.



For the philosophy of history which traces the interdependence of events, the connection of causes and effects, the operation of special influences, general or personal, permanent or temporary, the distinction of epochs, the formation of national character, and, above all, the general progress of humanity, it is needless to say there is a vast, fruitful, and highly cultivated field.

Here, perhaps, may be noticed the view which seems to be held by my very eminent predecessor in the presidency of the Association, Mr. Henry C. Lea, as to the division of history into moral epochs. Mr. Lea appears to think that it is irrational and unjust to condemn Philip II and the inquisitors of the day for putting people to death on account of their religious belief, such having been the moral law of that epoch. This view would seem to lead to the division of history into a series of moral zones with which our judgments of action and character ought to vary. But such a conception would surely be fatal to morality itself, as it would destroy the identity of the moral law. In judging individual character and action just allowance must of course be made for the general beliefs and prevailing influences of the time. But this is the limit of condonation. The age of Philip II and the Spanish Inquisition was an age of murderous persecution. What made it so? The conduct of Philip II and the inquisitors, which itself was influenced not solely by hatred of misbelief, but by criminal propensities of a grosser kind; the despot's lust of unlimited power, the hierarch's lust of ascendancy and wealth. Philip II was not only a persecutor, he was a murderer and an adulterer. He hired assassins to take the life of his noble enemy, William the Silent. It is by no means certain that the propensity to religious murder was universal or even general among the people of that day. Nor was morality on this subject without a witness. Erasmus, invoking the judgment of Europe on the execution of Sir Thomas More, pleaded that no one during More's chancellorship had suffered death for heresy. More, in his "Utopia," advocates the broadest principle of religious toleration. Can it be supposed that William the Silent or Henry IV would have burned people alive for misbelief? Was not the reaction in England against

Queen Mary and her religion largely caused by the fires of Smithfield?

Comte's series of historic epochs, distinguished by the progress of ideas from the theological and the metaphysical to the positive, can not, it seems to me, be really identified; though, like many theories incapable of perfect verification, it has shed important light on the subject. The identification of the metaphysical era is especially difficult. But I must not attempt the discussion of this complicated question here. I confine myself to the recognition of Comte's merits as an earnest thinker and a devoted servant of humanity. Vico's theory of historic cycles now hardly calls for examination, though Vico may claim the honor of having been the first to treat history philosophically, unless we include in philosophies of history a religious survey such as that of Bossuet, or an observation of political sequences, such as that in the "Politics" of Aristotle.

The crown of science is prediction. Were history a science it would enable us to predict events. It is needless to say that the forecast of even the most sagacious of public men is often totally at fault with regard to the immediate future. On the brink of the great revolutionary wars Pitt looked forward with confidence to a long continuance of peace. Palmerston, if he was rightly reported, deemed the cause of German unification hopeless at the moment when Bismarck was coming on the scene and unification was at hand.

The philosophy of history, on the other hand, without affecting the character or claiming the prerogatives of a science, but simply resting on the identity of human nature, traces past effects to their causes and from the continuance or recurrence of the cause predicts a recurrence of the effect. It discloses the interaction and the nature of all the forces and influences of which past history has been the outcome, ranging them in their order and trying to assign to each its part in the product. It frequently takes the form of separate treatises. But no historical work which shows the sequence of events, nothing, in short, that is really history and not merely a chronicle, can be without philosophy.

Writers on the philosophy of history are in danger of overstating the effect of some particular cause, the importance of which they are, or seem to themselves to be, the first

to recognize. Buckle, for instance, in a work which produced a great effect in its day, seems sometimes to overrate the influence of natural phenomena of a striking kind in the formation of national character. He traces, for example, the religious character of the Spaniards to the impression made on them by the terrors of volcanoes and earthquakes. But there appear to be no records to show that in the formative period of Spanish character volcanic phenomena greatly prevailed. The religious character of the Spaniard was formed largely by the long conflict with the Moors, as was that of the Russians by the long conflict with the heathen Tartars. Volcanic phenomena do not seem to have affected the character of the Japanese. Italian character in its Roman phase was, and in its Catholic phase is, the manifest outcome of historical causes quite independent of Vesuvius. Among the sources of Scotch character Buckle reckons the influence of thunderstorms and of the reverberations of the thunder among the mountains. But the mountains are in the Celtic highlands, and the Scottish character is that of the lowland Teuton; not to say that, if I may trust the experience of a shooting season, thunderstorms are far from frequent among the Scotch mountains. The backwardness of native American civilization is ascribed to absence of animals of draft or burden. That may have been a partial cause, but the ruined cities of Central America show that much might have been done by human labor; so, apparently, do the great monuments of Egypt.

I have read an ingenious work on the philosophy of history which ascribes everything to the struggle for subsistence and the conflict between economical classes to which it gives birth. The theory is taken as the key even to religious revolutions, such as that of England in the time of Charles I. The landowners, it is remarked, were mainly on the one side, the yeomanry on the other. Only to a limited extent was this the fact. But it can hardly be questioned that religious convictions and the political tendencies allied with them were the fundamental motives. Subsistence is of course the basis of all, and the division into economical classes is of the highest importance. But the sharpness of the division and its influence on the course of civilization are capable of overstatement. Not all consumers are pro-

ducers, though the vast majority of them are, but all producers must be consumers; so society can hardly be divided on that line. The vast and infinitely complex frame with its boundless variety of influences and circumstances, while it affords abundant matter for fruitful remark, defies sweeping generalization. None of the sweeping generalizations, at least so far, has held its ground.

Again, we have a philosopher of mark who holds the apparently paradoxical doctrine that man has advanced by disregarding the dictates of his individual reason. That progress has been largely due to the action of man against his propensities and his apparent interest is true enough. All self-sacrifice, patriotic devotion, and religious martyrdom may be so described. But reason comprehends the whole of the mental antecedents to action, whether selfish or unselfish or of whatever kind they may be; and we can no more act against the whole of the mental antecedents to action than a man can jump out of his skin.

Of Carlyle, what is to be said? Is his view of history to be called philosophy or poetry? A serious philosophy of history it certainly can not be called. He says:

As I take it, universal history, the history of what man has accomplished in this world, is at bottom the history of the great men who have worked here. They were the leaders of men, these great ones: the modelers, patterns, and in a wide sense creators, of whatsoever the general mass of men contrived to do or to attain; all things that we see standing accomplished in the world are properly the outer material result, the practical realization and embodiment, of thoughts that dwelt in the great men sent into the world; the soul of the whole world's history, it may justly be considered, were the history of these.<sup>a</sup>

This evidently is not philosophy. Great men were not creators, but the consummate products of their generation, giving its tendencies the fullest expression, and reacting upon it by the force of their genius. But they were its offspring, not its creators. What would Odin, if there was such a man, have been without Norse tendencies and beliefs? What would Mahomet have been without Arabian tribalism, Judaism, and Christianity? What would Luther have been without the ferment of spiritual insurrection against Rome which had long before produced Wycliffe? What would Shake-

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<sup>a</sup> Heroes and Hero-Worship, lecture 1.

speare have been without the Elizabethan era, Voltaire without his century, Napoleon without the Revolution and the outbreak of military adventure which ensued? Carlyle's preaching has been well described as an alterative. His sentiment was a revolt, and probably a seasonable revolt, against triumphant and self-complacent democracy in all its phases, historical as well as actual, intellectual as well as political and social. Democracy's thirty millions of voters to Carlyle seem mostly fools, owing everything that is good or sensible about them to the great men, who, he says, are "sent" into the world, not born of it, to be its guiding lights. There is no doubt that democratic optimism and the worship of the ballot box after the triumph of Parliamentary reform in England had about them something repulsive, particularly to Carlyle. Both his antipathy and his worship were carried to the pitch almost of frenzy. Cromwell, generally humane in war, deplores the slaughter at Drogheda as a sad necessity. Carlyle exults in it, and asks us whether we dare wed the heaven's lightning. But it is in his "Frederick the Great" that his fancy breaks all bounds. Frederick's ability, military or political, nobody questions. As a king he was progressive, made good reforms, such as the abolition of torture, and above all proclaimed liberty of conscience. On the other hand, he went to war, as himself avowed, to win himself a name, and, having no title to Silesia other than his worshiper's mystic "destiny," plunged Europe into a war of twenty years. Carlyle puts morality under his idol's feet. When sophistry breaks down, he flies off into rhapsody. There is a memorable passage in "Sartor Resartus" denouncing and deriding the barbarism of war. But in the "Frederick the Great" humanity disappears and gives place to a sentiment bordering on the brutal.

At the same time let me emphatically acknowledge Carlyle's greatness as a teacher of history. In picturesqueness he has hardly a peer. Still more strikingly unique and a greater mark of genius are the breadth and boldness with which he presents the whole of humanity with all its weaknesses and absurdities, with its comic and laughable as well as its tragic and pathetic side. This is an invaluable feature of his "History of the French Revolution," a work which,

though perhaps not strictly accurate in all its details, is in depth of insight, in breadth of treatment, as well as in picturesqueness and vividness still without a rival. I would venture to commend it as a valuable training in its way for the historic sense.

To lay down any rules for the writing of history seems impossible. The style must vary with the subject, with the genius of the writer, with the intelligence of the reader. To be generally read any work must obviously be interesting to ordinary minds. There is perhaps rather a tendency in this scientific and sociological age to underrate the value of narrative skill. Stubbs's "Constitutional History of England," which is treated as the paragon, is indeed admirable and invaluable as a work of research. But for anybody but an earnest student it is hardly readable. Hume has been severely lashed by Freeman and others of that austere school for his inaccuracies; no doubt with justice. But it is to be borne in mind that by the attractiveness of his style and his art as a narrator he made history popular and has imparted to countless readers a knowledge of it, true as to the main facts, though in some particulars incorrect. The same may be said of Robertson, whose "Charles the Fifth" is a broad and luminous treatment of a great subject, superseded no doubt in many respects by writers who have had access to further information, yet a good service rendered to the study of history in its day. Moreover, to instruct, touch, and elevate humanity a history must be human. It must be a lively presentation of character and action. Sociology is a thing by itself. So is every historical treatise written on the sociological principle. So are those special treatises on an infinite variety of subjects in which character and action have no place. If history ever does become science, a historical work will take the form of a scientific treatise. Reasons have been offered for doubting whether that day will ever come.

Macaulay, himself the most brilliant of historians, in his essay on "History" says that to be a really great historian is perhaps the rarest of intellectual distinctions. He writes:

The cause may easily be assigned. This province of literature is a debatable land. It lies on the confines of two distinct territories. It

is under the jurisdiction of two hostile powers; and, like other districts similarly situated, it is ill defined, ill cultivated, and ill regulated. Instead of being equally shared between its two rulers, the reason and the imagination, it falls alternately under the sole and absolute dominion of each. It is sometimes fiction. It is sometimes theory. History, it has been said, is philosophy teaching by examples. Unhappily what the philosophy gains in soundness and depth, the examples generally lose in vividness. A perfect historian must possess an imagination sufficiently powerful to make his narrative affecting and picturesque. Yet he must control it so absolutely as to content himself with the materials which he finds, and to refrain from supplying deficiencies by additions of his own. He must be a profound and ingenious reasoner. Yet he must possess sufficient self-command to abstain from casting his facts in the mould of his hypothesis. Those who can justly estimate these almost insuperable difficulties will not think it strange that every writer should have failed, either in the narrative or in the speculative department of history.<sup>a</sup>

Here, I think, we have a specimen of that love of antithesis which is rather a weakness of Macaulay. Setting aside Macaulay himself, it surely would be hard to say of Gibbon that he had failed in combining the philosophic with the narrative element. Exception may reasonably be taken to this philosophy as an inadequate and unfair treatment of Christianity, the really great motive power of the period, but the art with which the philosophy is combined with the narrative seems to be complete. The same apparently may be said of Tacitus, whose style is unapproachable, partly perhaps because the language in which he wrote was imperial. The loss of the greater part of Tacitus's works is the greatest calamity of literature. Thucydides employs as the vehicles of his philosophy fictitious speeches, for which Macaulay severely censures him. But Thucydides can hardly be said to pretend that the speeches are real; and his employment of them may be regarded with interest as the first attempt at a philosophy of history.

We must expect writers of history to be of their age and country. In the sentiment and style of Mommsen's "History of Rome" we perceive Germany passing from the metaphysical to the militant and hear the tramp of the German armies marching on Paris. Voltaire, Hume, Renan, Gibbon, Michelet, and on the other hand Montalembert, are redolent of the influences of their time.

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<sup>a</sup> Edinburgh Review, May, 1828, 331.

I must not omit to mention so important an event in the study of history as the appearance of the "Cambridge Modern History," planned by the late Lord Acton and commenced under the auspices of that prince of students. The work seems to be truly described in the introduction as a "series of monographs, conceived on a connected system," which—

instead of presenting a collection of fragments, possesses a definite unity of its own. \* \* \* Each separate writer treats of a subject with which he is familiar, and is freed from any other responsibility than that of setting forth clearly the salient features of \* \* \* [his] period. \* \* \* He may follow any line of investigation of his own, and may supply links of connection at his will. He may receive suggestions from different minds, and may pursue them. \* \* \* He is free at the same time from the aridity of a chronological table. \* \* \* Each subject or period has a natural coherence of its own.<sup>a</sup>

Complete harmony among the minds of different contributors can not be expected, nor can we look for the interest of a flowing and lively narrative. What the work rather claims to be is an aid to exact and comprehensive study, and this function it may be expected to perform. There is a copious bibliography for each part. I can not pass by the work due to the inspiration of my illustrious friend without deploring, as a student of history, the immense treasure of historic knowledge which has been buried in that grave.

Let us treat the subject as we may, scientifically, philosophically, or in any other method, what can we make of the history of man? Is the race the creation of a directing Providence, or a production of blind nature on this planet—fortuitous in its course and in its end? We have, preceding the birth of man, eons, it may be almost said, of abortion; eons of animal races which destroyed each other or perished on the primeval globe; a glacial era; man at length brought into existence, but remaining, perhaps for countless generations, a savage, and afterwards a barbarian; wild tribal conflicts and cataclysms of barbarian conquest. Then comes the dawn of civilization, which even now has spread over only a portion of the race, and even for that portion has been retarded and marred by wars, revolutions, persecutions, crimes,

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<sup>a</sup> The Cambridge Modern History, I, 5.



and aberrations of every kind, besides plagues, earthquakes, and other calamities of nature. Through all this mankind, or at least the leading members of the race, have been struggling onward to social, moral, perhaps spiritual life. Are things tending to a result answerable to the long preparation, the immense effort, and the boundless suffering which the preparation and the effort have involved? Or will the end of all be the physical catastrophe which science tells us must close the existence of the material scene? That question not even a "Cambridge Modern History" attempts to answer.

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III.—ON ROMAN HISTORY.

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By **ETTORE PAIS**,  
*Professor in the University of Naples.*

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## ON ROMAN HISTORY.

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By E. ETTORE PAIS.

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The marvelous activity of Theodore Mommsen in the field of Roman history gives the impression at first that there is very little left for future generations to accomplish. In fact, no phase of Roman history has been left untouched by Theodore Mommsen. The extraordinary energy of this remarkable man led him to examine every subject pertaining to the Republic and the Empire; his researches extended in every direction, as if from a common center; they penetrated the field of philology no less than that of law, of epigraphy, and of numismatics.

Little more than a year has passed since Theodore Mommsen closed his eyes, laden with science and with glory, and at the ripe age of 86. In this solemn gathering of the historians of the United States of America I trust it may be permitted to me to begin my address with directing in the name of all a reverent salute to the great and incomparable master—the greatest of all who have undertaken to narrate the deeds of immortal Rome.

Sincere is our admiration for the great historian, and firm our persuasion that much was done by him with the penetrating glance of the eagle soaring in the highest spheres. But this must not induce us to consider that the immense task of narrating Roman history has been completed. We must not think that there is now little to accomplish and that we are merely to resume the discoveries and researches of the great German.

The task of the historian does not consist in gathering and arranging historical facts, which are merely the subject of research and of judgments. History is the objective ex-

position of truth, interpreted according to the knowledge and the moral and political principles of the writer. History is written and narrated from the point of view of the individual historian and exhibits both his scientific conscience and the different psychology of the various peoples. The history of France as narrated by Voltaire or by Taine is a far different product from one exposed by an English or a German writer.

In regard to the elements of research—namely, facts—it can not be said that the study of Roman history is exhausted. The soil of Italy still treasures in its bosom a large part of the archæological material. Through this it may some day be possible to trace the past history of the nation. A comprehensive study of the Republic and the Empire presents a long series of problems—problems which not only have not as yet been investigated, but which, we may say, have not yet been called to the attention of scholars. The excavations in the Forum Romanum, rather than solving old problems, have offered new ones; and if similar excavations were to be made on a thousand other sites of the Italian Peninsula we would obtain material for infinite researches and precious data for the comparative study of the development of ancient civilization.

Moreover, no one is ignorant of the fact that the study of a people, and particularly for the earliest periods, is not content with the slender share of facts referring to that people only. Mommsen, it is true, must be credited with having advanced deeply into the study of Roman public law and with having animated his narrative by citing examples from modern history. But what was by him, in this respect, but barely begun must be completed with renewed and greater energy. The study of Latin civilization is but ill pursued if it be not supplemented by a full knowledge of the Hellenic world. Likewise it is now evident that only a thorough preparation in the study of the oriental world enables us to penetrate the mysteries of the conscience of the Hellenic stocks and civilization.

In different peoples, and in ages entirely separate, more or less analogous conditions of civilization and of sentiments have often been reproduced. To trace out and to understand

clearly all the formative elements of Roman history we must place ourselves on paths not yet marked out, or, to speak more exactly, we must needs cut a way through dense forests which have scarcely begun to hear the blows of the pioneer's ax. The study of American ethnography, mythology, and customs have a thousand times furnished the means of comprehending the mysteries of Hellenic mythology and religion. The study of the early Germanic laws and of the primitive societies of England and of Ireland, and the development of modern peoples often present analogies or differences. These, as if possessing the virtue of the X-rays or of a particle of radium, allow us to cast a somewhat certain glance into the misty origins of the Roman people and of the remaining Italic stocks.

In the address which I was invited by your universities to deliver before the International Congress of Sciences and Arts at St. Louis I enumerated what, in my humble opinion, were the present and the future problems of the ancient history of Rome and of Italy. We are in great need of a long series of excavations in various parts of the peninsula, which may reveal to us the separate and also the general progress of the material and, sometimes, religious civilization of the Italic races. We lack a good work making us acquainted with how much there is, in the excavations already made, that is truly authentic and useful to the historian. We do not possess a history of public law which compares Roman law with the closely related Greek public law. We are without a thorough examination of the political development and of the landed estates of Italy, covering the period from the fourth century to the time of Cæsar. We still have no knowledge of the Latinizing (so to speak) of many parts of Europe, Asia, and Africa, nor can we estimate what new elements of civilization and of ideas arose from the intermixture of so many races.

Evidently our knowledge of the Empire is far greater. The untiring researches of Mommsen and of Marquardt and of a long series of students who ranged themselves beneath their standards have extended our knowledge to a degree far beyond that of a century ago. Nevertheless, much remains to be done, and surely much more than is generally supposed. The researches of the new and glorious German school have

made us acquainted with the political administration rather than with history. To know the constituent elements of the army and fleets, to know the characters mentioned by Tacitus or Suetonius, is both useful and valuable. Likewise it is valuable—indeed indispensable—to know all the particulars of the governmental administration. But a knowledge of the administrative regulations does not at all represent an historical knowledge of the people itself. Very often the facts are far different from what the written laws would lead us to infer. And even if there were complete harmony between the written law and the facts, the history does not exist in which there do not enter living and personal elements, elements which determine the grand characters and the powerful internal and external impulses of the life of the nations. What would there be to the history of Cæsar and of Augustus if we possessed only the coins recording their legions, or only those passages of the authors in which the external acts of their authority are mentioned? What if we did not possess the words of Cicero and of Suetonius in their regard? From these, indeed, we can reconstruct figures which speak to our imagination and appeal to our intellects. What could we know of Greek history, though we had the inscriptions on finances edited by Boeckh, if we did not possess the comedies of Aristophanes and the orations of Demosthenes? What, finally, would the history of America mean to us if we had only the text of the Constitution and remained unacquainted with the lives of Washington, of Jefferson, and of Hamilton?

From this point of view the problem of the Roman Empire becomes a very complicated one. A revision of the problem is necessary, in order to determine the value of the personality of the various Emperors and to settle the equally vexed question of the welfare of the Roman provinces. We need not venture as far as the exaggerations of those who style themselves the materialists of history. It is nevertheless clear that the study of the papyri, which Egypt offers in such great abundance, is aiding, and will continue to aid, in the compilation of a new history of the economic development of the Roman world.

But it is not sufficient to study the economic development and the military or political systems of the Roman State,

whether during the Republic or during the Empire. It is essential to examine with greater attention the most difficult and most important problem of the development of the moral conscience, namely, the progress of ideas in the fields of law and of religion. What relation exists between Greek philosophy and the "ius naturale" of the nations—a fundamental conception of later Roman law? In what way and to what degree did the *πολιτεία* and *νόμοι* of Plato and the politics of Aristotle—or, better, to what degree did the works of Posidonius and of Panætius—penetrate into the books of Mucius Scaevola and of Cicero? To what degree did they fashion that law which imposed itself upon the world and which continued to exercise so great an influence upon Germanic life and mediæval society? How did the theories of philosophers become the sentences of lawyers and the decrees of magistrates? Why is it that, notwithstanding the vaunted prosperous condition of the Empire, the old Hebraic doctrines and the worship of Mithras attracted such multitudes of people? And how, from such a mixture of beliefs, for which Rome wrongly thought to substitute the worship of the State, did there arise the new Christian faith, destined to conquer, first the Empire, and then the world?

These problems are old, and yet remain ever new. Many different solutions have been offered and will continue to be offered. Mankind, having progressed far on the path of civilization and of science, will at last ask itself what are the origins of its ideas and sentiments; or it will ask to what end does this incessant and feverish activity lead, which the common herd considers as directed to the satisfying of mere material needs, but which, on the contrary, represents the divine spark intrusted to humanity and to be transmitted to future generations?

Among the future generations called upon to solve the grand and glorious problems of Italian and Roman history, to you, oh, Americans, will doubtlessly fall a large and noble part. If there is a nation whose interest it should be to study and to become thoroughly acquainted with the past of Italy, that nation is the United States of America. Your interoceanic position between Europe and Asia is quite similar to that which Italy held between the eastern and western



countries of the Mediterranean. Italy transmitted the torch of Oriental and Greek civilization to Gaul, to Spain, and to Africa. In like manner you are transmitting the civilization of England and of continental Europe, which you have impressed with your own stamp, to the West; and you have already begun to extend it to the far-off shores of Japan and of China. No ancient civilization can, in equal measure with the Roman, boast of having transformed so many shepherds into farmers, and of having created therefrom so large an Empire, possessing such numerous colonies and bound together with so perfect a network of roads. You, indeed, have a system of railroads without equal in the world, and you will have in the near future such a continuous series of cities as to surpass the history of all preceding colonization.

A well-known characteristic of the Roman State was the uniformity of Latin civilization in the various parts of the Empire. The uniform and mathematical scheme with which you build your cities and extend your institutions is a phenomenon very frequently observed by scholars and by visitors to America.

The short time at my disposal, as well as the fear of abusing your patience, forbids my prolonging such an enumeration. But I trust it may be permitted to me to state that shortly before my arrival in this country, being undecided whether, for my comparative studies, I would be more benefited by a voyage to the classic Orient than by one to America, I greatly preferred the opportunity of accepting your invitation. For, absorbed in the past, I perceived that the study of your newer civilization would aid me in understanding the growth of ancient Italian civilization.

A strong sentiment of public trust, honesty in private transactions, and a deep feeling of the destinies of the nation were the qualities which rendered great the Roman Republic, the period which represents the first and most vigorous youth of the Roman people. Honorableness, trust, constancy of purpose, and noble impulses are to-day in the United States, as once at Rome, the sentiments which sustain each citizen in the performance of his duties and which render him proud of belonging to the great American nation. These characteristics impress the foreigner who arrives from countries where somewhat different social laws hold sway,

and they are the characteristics which made the Roman State both feared and respected among the Greeks. All know that the soberness of life, which even to-day is peculiar to the Italians, the contempt for stimuli and for idleness, the transaction of business based upon good faith, and the accuracy and dispatch of affairs were the characteristics of the ancient Roman. The ancient Roman was famous for his constancy and for his tenacity of purpose. These same characteristics are evident in you.

Not only the Roman Empire, but also the political union of the Italian Peninsula resulted from the fusion of different peoples, bound together by the cult and love of Rome.

"*Patriam fecisti diversis gentibus unam*," sang the ancient poet, returning from the capital to the Roman fatherland of the West. It is this love of country and of liberty which fuses and will continue to fuse the foreign elements arriving on your shores. Let us hope that these elements will continue to arrive from various parts of Europe, thus rendering your stock more comprehensive and complex, without in the least impairing the fundamental unity of the nation. Let not this influx of foreigners alarm you. Be greatly circumspect of the advice to be sufficient unto yourselves. The greatness of Athens consisted in her being the center, not of the Hellenic races alone. Rome was great and powerful as long as it could absorb and fuse in its crucible the different nationalities which came into contact with her. It began to fall only when the point of saturation was reached, when the various national elements of which it was composed began to separate themselves, when, finally, the Greek world rose to a second existence in the Empire of the East.

Few nations of the world are interested in the history of Rome and Italy as deeply as the United States of America. It remains for me to wish that my words may be received by some one of those present, and that they may serve to urge him more and more to the study of the country of Lucretius and of Virgil, of Cicero, of Livy, and of Tacitus—the great glorifiers of science, of nature's beauties, of eloquence, of glorious deeds, and of liberty.

In this honorable gathering, which represents the best forces of a great nation, you have conferred upon me the

honor of speaking of my country. Italy has had undying glories, and may some day, from its very geographical position, be called to live not merely in the past. The love of Italian science and art binds you to that land which, to use the words of Pliny, was "diis sacra." Allow me, therefore, to express my certain hope that there may arise among you that intelligence and those energies which may give a new aspect to many problems of the history of Rome and of Italy.

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IV.—ON THE NECESSITY IN AMERICA OF THE STUDY OF THE EARLY  
HISTORY OF MODERN EUROPEAN NATIONS.

*William Edward*  
By **FRIEDRICH KEUTGEN**,  
*Professor of History in the University of Jena and Lecturer in History at  
the Johns Hopkins University.*

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## ON THE NECESSITY IN AMERICA OF THE STUDY OF THE EARLY HISTORY OF MODERN EUROPEAN NATIONS.

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By FRIEDRICH KEUTGEN.

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In choosing for the subject of a paper to be read at a congress of American historians "The Necessity in America of the Study of the Early History of Modern European Nations" it is, of course, not without some hesitancy that I have come forward to speak before an American audience on anything that may or may not be necessary in America. After a sojourn of three or four months I can not be thoroughly informed as to the provision made for the purpose stated by teaching bodies all over this country. Nevertheless I hope there will in this case be found some justification in the fact that I am here on an invitation to teach early European history during a whole winter in that one of America's universities which took the lead in instructing its students in independent investigation.

Besides, every man whose heart is in his work rightly feels moved toward its furtherance anywhere, irrespective of nationality. Moreover, by observations which have forced themselves upon me, I have become convinced that there is occasion enough to raise a cry, in which, I trust, all true historians, whatever their special interests, will support me.

As a matter of fact, just lately I have been assured that all serious historians in this country do share my views; but, at the same time, it has been suggested that perhaps I under-rate what is already being done. No doubt much is effected and more striven after by a number of earnest men. I have gladly noticed that since I have been among them at Chicago, more particularly from what yesterday's conference elicited, as to the inestimable educational and no mean scientific value of the doctoral thesis.

Nevertheless those men appear few in number and still stand isolated among a surging multitude that has a voice in the matter and yet little understanding as to its importance.

Further, I have ascertained that in at least one of the leading northern universities men are admitted to the study of history who have no acquaintance with Latin whatever, on the plea that this is not needed for the study of American history. Such a point of view is simply monstrous. A man might just as well pose as a scientific chemist while knowing no more chemistry than would entitle him to conduct a drug store. No one can claim to be a historian, no one can properly teach history in a school, on a knowledge of American history alone. American history is too short and too uniform to allow of an insight into the play of general historic forces, for one thing.

There is abroad in this country a lively interest in history. This very meeting proclaims it. America has produced a number of historians of world fame—I need not name them. It possesses an excellent "Historical Review," which takes rank with any of its European sisters, and, besides that, a number of other reviews devoted to local or State history.

But it is chiefly American history that Americans delight in; or, if they take up that of Europe, it is mostly the history of recent times. Early European history has found comparatively little favor. Certainly there are a number of American scholars who have won international renown even in this field. There is Lea and his celebrated "History of the Inquisition." There is Gross, who, to mention only one of his invaluable contributions, has, by his "Sources and Literature of English History," as it were, for the first time laid the necessary foundation for the study of England's first ten centuries and carried into effect what no Englishman had even attempted. And there are others. Still these works are not typical of where American interest centers.

Every country is most concerned with its own history, and the early history of Europe is, after all, not American history.

But is this true?

Is it a fact that the history of modern European nations is not that of America?

One might think so, in view of the latest universal history that has appeared in Germany—the one edited by Helmolt.

The very first of the eight volumes of this in many respects valuable undertaking contains the history of America, and the account of the United States in it is only preceded by the early history of the Western Hemisphere. This in a work that avowedly makes it its aim to illustrate within its compass the continuity of the civilization of the human race.

It is enough to state this in order to show its absurdity.

Nobody will think it amiss that a citizen of this country should feel attracted to the study of prehistoric America. Striking memorials of the period surround him in many parts, and how should he but be drawn to devote a loving attention to anything that speaks to him of former conditions of his home? It is the voice of the heart that makes itself heard. But the voice of this closest friend is not always the one that calls to the highest endeavors.

My contention is that prehistoric America does not present the real early American history. Paradox as it may seem, the history of the early inhabitants of the American continent is not American history. Early American history lies in Europe.

For the subject of history is man; man and his actions, his work, his creations in the widest and fullest sense; or, taking a narrower unit, it is the nation—it cleaves not to the continent.

To understand man, it may be necessary to understand his surroundings, his conditionings; but, if this means his geographical circumstances, it is not they that make him.

However much the history of the people of these United States may have been influenced by the natural conditions of the land in which they live, what has really shaped the American and his history—taking this term in all its profundity—incomparably more than anything he has experienced since he set his foot on the new continent is what he brought with him—the blood of his ancestors and the riches of that civilization which they had accumulated since time out of mind; their whole wealth of culture in religion, letters, art, sciences, in political and economic life, and likewise



their habits, their ways of thought, all these plants of a growth of thousands—no, of tens of thousands—of years.

It is the reason why the history in the widest sense—the actions, the work, the productions, the national life—of the modern Englishman, the modern German, the modern Frenchman, are infinitely more akin to those of the modern American than are those of the red Indian or would be those, it may be boldly affirmed, of the quondam Mexican or Peruvian if their ancient civilization had been allowed to live and grow to this our day.

But now, if all this be so, why do I not call for a more intense study simply of the Old World and its history? Have not the modern nations derived a great portion of their culture from Rome, from Greece, from Israel, even from Egypt and Babylon?

Most certainly. Nor will the rejoinder satisfy that these are matters from which their due meed of interest is by no means being withheld. But the fruits of those older civilizations have not been simply passed on to the younger peoples mechanically, as a coin passes from hand to hand, without change of value and signification; but whatever modern nations at various phases of their history could do with, to put it in homely phrase, just so much have they accepted of those fruits; this they have transformed and assimilated. The main stock of their culture was their own.

And now it will already be guessed why I have not described my paper as relating to the study of mediæval history—why I have avoided and am avoiding that term.

You are all of you, no doubt, aware when and how the term “Middle Ages” originated. It was in the seventeenth century, when men of letters had drunk deeper and deeper of the charmed draft of classical literature. They felt themselves, so they imagined, at one with the master minds of Greece and Rome. And all that filled the interval from the downfall of the Roman world to their own time, the whole previous history of their own people, seemed to them as a chaotic chasm, an interlude, a middle age of darkness and barbarity.

Nothing could be more unhistorical. There never has been such a “middle age.” The whole history of modern nations presents one continuity from the first appearance of

the Germanic peoples on the historic stage. This is something very different from the asserted continuity of the whole of history. Of course, you can forge a single unbroken chain of main political events from the earliest times onward; but if you write the world's history after this recipe, as Ranke did, where do you find room for all that the Germanic nations brought with them when they destroyed the Roman Empire and most of what remained of its crumbling civilization and took possession of its western provinces?

Vulgarly described as barbarians though you find them, they possessed cultural conceptions of their own and institutions of the strongest vitality, allowing of the richest further evolution. They implanted in the Roman soil political institutions which were their very own. They brought with them primitive but elastic systems of civil and criminal law and of legal procedure, and likewise an economic system, novel methods of land tenure, and agriculture. Their constitutional and legal systems, moreover, were based on conceptions or convictions fundamentally distinct from anything Roman, but furnishing the main root out of which the most modern democratic institutions have sprung. Their German blood mingled with that of the older inhabitants of Gaul, of Italy, of Spain, and of Britain, and out of this fusion new nations sprang. These, with the people that had remained at home in the old Germanic lands, henceforth formed one group of nations closely allied, not only by blood, but sharing in the main the same institutions and the same mental culture. It was a new world, whatever its debts to an older one that had passed away, and a world that is still in full vigor. All the members of that group are now represented in this young great nation of America—some more, some less. Their institutions, laws, customs, beliefs have crossed the ocean with their children. Out of all this has been built up America, and their history is, therefore, the early American history.

But it is essential to my subject that I should, from yet another point of view, expose the folly of the terms "middle ages" and "mediæval history." As if there ever had been any period of a number of centuries during which the general state of civilization had possessed such strongly marked

features as to make that period a unity in itself, as distinguished both from ancient and from modern history!

No doubt the Reformation, the liberation of one-half the Western World from Papal domination, marks a great epoch. But, then, it is overlooked that many of the fruits of the Reformation only ripened centuries later, and, what is more, that religious life and intellectual freedom don't make up the whole of a nation's existence. Political institutions continued in the main till the end of the eighteenth or the beginning of the nineteenth century on the lines that had been formed in the thirteenth. In the history of political institutions, the age of Simon of Montfort, of St. Louis, and of the interregnum, therefore, marks a greater epoch than that of Luther. At the same time intellectual life was no less active and of no less subversive a cast in the thirteenth century than during the Renaissance, as so judicious a master as Stubbs has repeatedly insisted. But the Karolingian Empire—does it not signify a revolution even more comprehensive? And what shall we say of that period from the middle of the eleventh to the end of the twelfth century, when cities first sprang into being, and which saw that portentous break in the economic world—the transition from an almost purely agricultural condition to a state in which money became the universal medium?

Again, the scholastic philosophy only gradually developed during the so-called "middle ages," of which it is thought to be characteristic, and nevertheless received severe blows long before that period ended; while the theological impregnation of thought continued for a considerable while after, in fact was still on the increase, but was at no time so general as is commonly represented. On the other hand, certain phenomena which to us moderns seem particularly "mediæval," such as torture as a means of legal procedure, absolutism or certain extreme restrictions on trade, really belong to the so-called "modern times."

The alleged "middle age," therefore, is neither marked off by a clear line, or any kind of line, from "modern history," nor does it constitute in any sense a unity in itself.

This, however, is a fact which can not be too strongly insisted upon, until the continuity of the history of modern nations shall at last have become a matter of the most gen-

eral and, if I may say so, ingrained acceptance. For it will not be till then that people will cease to regard the study of "mediæval history" as a matter of mere antiquarian curiosity.

In thus urging the unity of European and American history, I may seem to be calling, as it were, on American patriotism. But that is a standpoint, it need hardly be said, which the historian can not adopt and can not commend.

The study of history with an unbiased mind, the diving and delving in a spirit bent on nothing but the search for truth, is without doubt a great and healthy strengthener of the love of one's country; but this strengthening and deepening of our patriotism, to be healthy, must come as an unsought result. This, however, is not what we are concerned with. The chief ground why the study of early European history should be pressed upon Americans as upon all others must be found in history herself as a science. And from this point of view there is reason enough why the beginner should exactly avoid occupation with anything that strongly engages his patriotism or his political or religious predilections.

The historian's chief function is judgment—not, of course, that he should pass sentence on men and women and their thoughts and actions, but judgment in discriminating between evidence as to facts, between facts as to their importance, their relation to one another, and so forth.

The exercise of judgment, however, needs impartiality, detachment. This requires training, until it becomes a habit, and this training can always be acquired only by labor, and at the cost of so much greater labor the more stirring the personal interest in the events under consideration.

History demands detachment for her own behoof, and the same amount of the same kind as any other science.

I am afraid this is exactly what is not yet generally recognized: This claim of history to rank as an independent and self-sufficing branch of study, side by side with all the others.

Science asks not what uses its results can be turned to. It takes its spring from a desire to know all about a certain group of facts, purely for the sake of the knowledge, for the sake of the facts, for the interest they inspire. Call it

curiosity, if you will, yet it is no idle one; if curiosity, it is a working, a hard-working curiosity.

In this respect history does not differ from other sciences. The physician's art may arise from a desire to succor suffering mankind; medical science has only to deal with the human body and the laws that govern it, for the mere knowledge sake.

I repeat, there is no difference between history and any other science in this, that both have for their sole object knowledge about a certain group of facts.

Now, it has been claimed that history does differ from certain other sciences, inasmuch as it only undertakes to establish facts, whereas those other sciences, besides that, evolve laws from the facts they have discovered; further, that this alone is the true field and criterion of science, and that history, therefore, can not rank as a science in the strict meaning of the word.

It hardly needs saying that a discussion of that much-vexed question can not here be entered upon. Still, we are concerned with establishing the claim of history to rank as an independent and self-sufficing branch of study. Enough, therefore, to observe that the discovery of laws governing the facts that any science is interested in constitutes but an accident, not a primary object. If it is the aim of history to establish, as Ranke has been patted on the back a thousand times for casually remarking, "*wie es eigentlich gewesen ist*," even so it is with every other science; it matters little whether the facts it deals with belong to the past, present, or future. If, then, there are any laws underlying the facts that make up history, they will come to light in due season.

Physicists have again and again, on the strength of the "laws" of the most exact of all practical sciences, declared certain things to be impossible which engineers have afterwards not only shown to be possible, but have made real. They have, for instance, explained why and wherefore no steamship would ever be able to cross the Atlantic. Let us then, pray, not stultify ourselves by saying that anything is impossible.

To return to our starting point, its scientific interest alone can determine the course the study of history ought to pursue.

What makes a science is not the laws it discovers; it is its

method. It is this that distinguishes science from the pursuit of a mere curiosity. And it is since each of them in turn has discovered its true method that the natural sciences, one after another, have reached that status.

Well, then, what the student has first of all to do is to acquire a sure command of method. But method is determined by the matter each science has to deal with—its materials. Therefore, he should turn his first and principal attention to that portion of his subject where its method can best be studied and where the materials can best be made accessible to him. Or, to put it differently, if any student is to do successful work, the material he is set to work upon must be such that he can completely master it. Now, this is exactly what makes the study of the early history of European nations particularly adapted to his needs.

In parenthesis I want to observe that as to ancient history and its study, that is a matter apart. Its material and consequently its methods are so individual that, as things at present stand, no one can be advised to try and embrace both it and modern history. Criticism as applied to classical writers is of a totally different type from that in place with regard to our monkish annalists and chroniclers, who never once intended to produce works of art, but only meant to tell the plain, unvarnished truth, such as they understood it. And to decipher and interpret Greek and Roman inscriptions has become almost a science in itself, which in early modern history finds its counterpart in another distinct specialty—diplomats.

Now the material of history is of a double nature. There are first of all the historic events, conditions, acts; and then as these are, as a rule, not immediately susceptible of observation, there is the evidence we have about them, the so-called sources. It is to both these ingredients of the historic material—and this is essential—that what I have said about the suitability of the study of the early history of Europe to the needs of the learner applies. Not only are the sources easier to handle, being few in quantity and simple in kind; the totality of historic events and conditions in earlier times was also less complex.

Although it will probably be contended that the farther away from our own times the more difficult human life in all

its forms is for us to understand, I think it may with reason be urged that the riddle of any period is so impossible for us to solve that degrees of difficulty need not be taken into account.

Die Zeiten der Vergangenheit  
Sind uns ein Buch mit sieben Siegeln.

That applies to the time of Louis XIV just as truly as to that of Charles the Great.

On the other hand there can be no doubt that life was far simpler in the remoter ages than it was, say, in the sixteenth and seventeenth centuries, or even in the thirteenth and fourteenth. There has been from the Karolingian and the Ottonian age downward a continuously growing complexity of historic life. Formerly ideas were simpler, communication was rarer, economic conditions more uniform, transport difficult, events fewer.

But knowledge of the whole of the conditions of a given period is indispensable for the understanding of any historic detail.

A wise and well-meaning ecclesiastic, like Bishop Gregory of Tours, says of King Chlodovech, "God overthrew his enemies day by day and increased his Kingdom, because he walked before him with a just heart and did what was pleasing in his sight." This need by no means be taken for mere bigotry on the bishop's part, because the King had fought the heretic Burgundian and Goth; and yet that very Chlodovech had shrunk from no atrocity and no trickery in order to compass his ends. These were great and, in effect, beneficent; yet we can understand Gregory's judgment only on the basis of a knowledge of the entire circumstances.

The nearer to our own day we descend, on the other hand, the more complex do conditions become. The material grows in quantity and also in subjectiveness. Therefore, although the sources may seem more accessible to the dilettante, the difficulties in the way of methodical study are by far more stubborn. Every great event has its "proximate" causes and its "remote" causes; but in later history the unraveling of the former alone, as a rule, taxes the energy of even scholars of position to their utmost, with the result that the remote causes are frequently treated in a perfunctory manner. The numberless single acts leading up to a general

consummation are so closely interwoven, many of them being synchronistic, that the greatest analytical skill is required to follow each to its end and apportion to it its due part in the play of cause and effect.

Let me refer to the question that convulsed a considerable portion of the historical world of Germany some eight or nine years ago on the occasion of Lehmann's brilliant little book on the origin of the Seven Years' war. The material here consists largely of the correspondence of each of the great powers with its ambassadors or its special envoys at each of the other courts. The court of Vienna was communicating with that of St. Petersburg through its own ambassador at the latter court and at the same time through the Russian ambassador in Austria. These communications would probably be crossed by word from the Russian capital, similarly communicated through a double or treble channel. Meanwhile resolves both at Vienna and at St. Petersburg would become influenced by news received from Paris, from London, and from Berlin; Paris and London would also be in communication, while Frederick was writing to and receiving letters from any of the capitals named. Would he make an enemy of France by concluding a treaty with England, her old foe? Would Russia in such a case hold fast to her ancient alliance with the latter country?

And then the personal element! How much of what each government writes even to its own agents in private is to be taken literally? How much of it has been adapted to the special mental capacity, inclinations, temper of the individual envoy? All that is, no doubt, extremely interesting, but hardly suitable for the untrained beginner to be turned loose upon.

Complexity of conditions and complexity of sources are here correlative. Similarly a simplicity of sources corresponds to the greater simplicity of conditions in earlier times. Here it is not too difficult for the average student to manipulate the whole of the evidence on any one question before him. He can examine each portion of it as to its origin, its credibility, the weight to be attached to it—all according to those well-known rules which it is so easy for him, and at the same time essential, to remember: Was the author in a position to give trustworthy evidence? Was he a contempo-



rary of the events he relates? Was he in direct communication with the actors in those events? Is he otherwise personally reliable? If not contemporary, had he yet good means of informing himself and us? Then such questions as that of the "argumentum ex silentio;" further, that of the dependence of one source upon another, a principle the importance of which even the great historians of the eighteenth century did not always quite realize, who not infrequently quote as independent evidence for one event two authors, one of whom had simply copied the other.

But if one set of questions in historical method can most successfully be taught and learned with the help of chronicles and annals, another and equally important vista is opened up by the documentary sources, where paleography and diplomatics come to our assistance, though, to be sure, paleography is no less a *conditio sine qua non* in making accessible the former class.

As Bernheim has remarked, "No other matter furnishes such an object lesson of what evolution in history means and how it proceeds" as paleography, "the mutual reaction of psychical and material factors," the development of writing having been dependent on the one hand on writing materials, papyrus, wax, parchment, paper, calamus, quills, and the economic possibilities of procuring one kind or another, and on the other hand on general economic and cultural conditions, conducive to more or less copious writing, and on mental habits.

Furthermore, nothing could be better adapted than paleography to train the mind to careful observation and break it of the habit of jumping to conclusions and guessing. The student, in order to avoid mistakes which otherwise will occur with absolute certainty, has constantly to keep in mind the component elements of each original letter of the Roman alphabet, as well as the changes it has undergone during each period down to the one to which the document under observation belongs.

But if critical analysis of an early author's work can not but be imperfect unless the critic is able to read it in the very form in which it was written, or at least in which it has been preserved, paleography's most interesting application is in diplomatics, the science of charters; and diplomatics in

turn furnishes a higher and unparalleled field for the exercise of historical analysis.

In the early centuries—and this again by no means applies to the whole of the period commonly described as the “middle ages”—the legislative, judicial, and administrative functions of government were hardly separated. Legislation largely took effect in the shape of administrative decrees based on findings of the law courts regarding individual cases. These findings and decrees would be embodied in charters extended to single persons or corporations. Other charters or deeds, especially those issued to churches or convents, conferred endowments, gifts of land or rents. Yet the charters in the possession of an ecclesiastical corporation did by no means always cover the whole ground of its claims, and then more deeds were manufactured, forged, or the existing ones appropriately improved upon. Venerable bishops and abbots, highly respectable men, saw no harm in that, any more than they did in burglariously robbing some foreign church of the bones of its patron saint for the benefit of their own church: one might say a remnant of native polytheistic feeling, the last vestiges of which have perhaps not quite disappeared even in our own day, the unconscious substitution of one's own little tangible local church for the great invisible universal one. A fire might have destroyed the genuine deeds: then the safest and simplest course, instead of applying to distant kings or popes or to the heirs of long-deceased donors, seemed to be to resuscitate the lost treasure at home through the ingenuity of an industrious monk. Or a neighboring noble might lay violent hands on land which had from time immemorial been in the possession of the church, but for which it was unable to show any titles; a bishop might claim jurisdiction over a monastery which believed itself dependent on the Pope alone: in such periclitations likewise the forger was called to the rescue. Now, it is the historian's business to unmask these falsifications, to distinguish the wholly or in part genuine from the spurious, and, what is still more difficult, to detect those which, although feloniously manufactured, yet represent what in fact was true.

Besides this, diplomatics teaches us how to interpret the genuine diplomas, their formulary and language, the usages of the chanceries whence they issued; all which is neces-

sary before they can be turned to account as historic material.

All this furnishes unrivaled schooling for the mind and introduces the student far better than anything else to the inner workings of what has made history.

To historic study based on an analysis of mere narrative sources there often appertains an element of unreality—either of romance, if the student is of an imaginative turn, or of a lifeless, mechanical, reckoning out, if his mind is more given to abstractions. That is to say, he will either dwell with enthusiasm on deeds of prowess and become absorbed in those other personal details about kings and popes, nobles and bishops, which those ancient writers love to recount, who seldom understood what was really politically important and what forms the basis of all personal achievements; or he contents himself with working out what, according to strict method, we may accept of those tales and what we must reject, likewise without inquiring what it all means.

Diplomatics, on the other hand, directly leads him on to this. It brings him into immediate contact with life, in the work of the council chamber and the administrative offices, and also in the management of private estates and economic conditions.

How romantic and wonderful and attractive is the account of the First Crusade as presented by contemporary writers, and yet how incomprehensible it all appears! We are told of princes calling upon their vassals to accompany them on the distant journey to the Holy Land; independent knights with few retainers would follow the general direction, and hosts of common people from town and country likewise took the cross. All these in large and small bands took the road to Constantinople, independent of one another, without any general guidance, some by sea, some by land. To the inhabitants of the countries through which they marched it seemed as if the whole world were astir.

Now, if it requires some stretch of the imagination to picture how they all traveled, while they were still dispersed, only a discovery of Boemund's commissariat accounts—the one of their leaders who showed statesmanlike ability and

who had remained behind at Constantinople for a while to arrange for the provisioning—would make it possible to conceive how the unwieldy mass subsisted and was ordered and managed and moved after it had united and crossed the Bosphorus.

Or another case: Some years ago there was discovered in the archives at München a sheet of parchment, containing a list of the annual contributions of the imperial cities in the year 1241. Up to that time nothing had been known of such contributions. It had been assumed that whatever taxes those cities might have paid was so insignificant as to be used up on the spot for local purposes. We had some ground for such an assumption, because such was shown to have been the case at the little town of Sinzig on the Rhein, the only one whose accounts for one year had appeared to be preserved. If the cities were able to furnish so little cash, certainly even less was to be expected from the country districts. Therefore it was universally taken for granted that, as far as Germany was concerned, there was and could have been at the time practically no central financial administration. And yet that one discovery of a single document has overthrown all previous notions of government in the Hohenstaufen period.

Again, the imperial itinerary, the knowledge of which is derived from the imperial charters chronologically arranged, by showing us how kings and emperors in the pursuance of the duties of their office moved from place to place, gives a reality to their persons, their doings, their policies, which previously was quite lacking, and has done away with a mass of what I may call purely literary criticism empty as air. How has opinion as to the Luxemburgers changed since the days of Gibbon, only on the strength of evidence inaccessible without diplomatic aid; and side by side with our estimation of those emperors, and for the same reasons, our interest in the whole history of Germany during two centuries has been transformed.

But the most important point from the methodological point of view, the point of view of the present lecture, is that charters are in the true sense surviving historic facts. Chronicles, annals, and other so-called narrative sources are, of course, also survivals of the past, but only in a literary

and historiographical sense. Of the facts they deal with they are merely reports, really evidence at second hand; whereas the charters are immediate evidence of the facts themselves. They are, therefore, scientific material of a distinctly higher order. But this is by no means as yet generally recognized. Even to this day far too great a portion of our book history is built up upon the questionable accounts of chronicling monks, instead of on that documentary evidence which only the exactest application of special method has now rendered accessible.

It would be nugatory to object that, these two branches of our science being subsidiary to early European history only, their value stands and falls with the general value of that study. The argument is that early European history having much method is particularly suited for the beginning student of all history.

No mistake could be greater than saying that the modern historian does not need all this training. Maybe it is easier for an amateur to furnish some contribution to recent than to earlier history, where without some methodical training a mediocre mind would find the task extremely awkward of raising a crop on the stony soil. But it is just the modern historian who requires to be made and continuously kept aware of the pitfalls that lie hidden in his more flowery path. The fact that methodical questions—questions of principle—do not readily lie on the surface in modern history renders them apt to be disregarded, and that is precisely why the modern historian more than any other needs a thorough training in method, such training as can only be acquired by the study of the earlier period.

Of course I am fully aware how fallacious method is. In itself it can never make an historian. The possession of method without common sense has misled many a scholar, young and old, to argumentation wholly wrong, argumentation enunciated with all the more complacent conviction because of the author being justly conscious of his unimpeachable method, and, perhaps, correspondingly difficult to refute. I am also most alive to the force of Ottokar Lorenz's dictum, that the only true and reliable principle in historical science is that of the "clever man" (*des gescheiteren*

Mannes). And yet even a very clever man is certain, unless he has a sure method, to go disastrously astray again and again.

Perhaps I may venture in this connection to make a proposal of immediate practical bearing.

I think in order to derive a full benefit from the methodical training of the graduate work the student ought to leave college better equipped with general historical knowledge than seems at present to be the case. With this end in view it ought to be made possible for him to hear lectures on the history of modern European nations for four hours a week in each of his college years. If this is thought too much for the average undergraduate who does not intend to devote himself to the special study of history later, perhaps the end might be attained by introducing some flexibility in the group system of college tuition without discarding its principle. Without breaking up the group of history and political economy, it should yet be feasible to afford the historically intentioned the opportunity of attending more history lectures than those prescribed in the ordinary curriculum.

It would take me too far afield, and, besides, be quite unnecessary before this audience, to enlarge upon what early European history teaches materially. The main point, however, is this: Nobody can be considered an educated person who has not some fairly just idea as to how all things in this world of ours hang together; and nobody can be considered as possessing such an idea who has no conception as to how the modern political world has evolved out of its beginnings. At home and in our international relations, in state and church, and even in economics, the life of our race is beset with problems which can only be understood on an historic basis.

As for the United States, until recently they have lived in a kind of self-containment and self-contentment. They have formed a world to themselves, occupied with their own affairs—home questions, internal politics—almost exclusively.

But that state of things is rapidly passing away. America has joined the concert of world powers. It is getting time for all nations to become better acquainted with one another, for which purpose a sound though not necessarily

detailed knowledge of each other's history is indispensable. This knowledge, however, can be communicated to the majority of the people only through a staff of thoroughly trained instructors, and it is the vocation of the universities to provide these.

It has often been said that it was the schoolmaster who won Sadowa. Let it in future be the schoolmaster's fairer task to promote mutual esteem and good will among nations.

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V.—THE CHIEF CURRENTS OF RUSSIAN HISTORICAL THOUGHT.

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By PAUL MILYOUKOV,

*Of St. Petersburg.*

Мілюков, Павел Николаевич  
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## CHIEF CURRENTS OF RUSSIAN HISTORICAL THOUGHT.

By PAUL MILYUKOV.

LADIES AND GENTLEMEN: I am going to give you only a general sketch, in quite general outlines, of the progress of Russian historical study. With a few exceptions, I shall not mention Russian names, which, I know, are pretty hard for you to spell, and I shall not enumerate special subjects of study. It is only the chief currents of Russian historical research that I intend to describe, and I shall try to do it in terms which have an international meaning. This will enable me, in addressing my learned audience, to compress within the limits of my twenty minutes the results of a long personal study. You will excuse me if I am too short or concise in my statements.

I propose to classify the chief currents of Russian historical thought and research under the following headings:

Points of view:

- I. Pragmatic (1730-1870).
- II. Critical (1770-1830 to 1870).
- III. Organic—
  1. Nationalistic (1840-1870).
  2. Institutional (1860-1880).
  3. Social (1880- ).
  4. Economic (1890- ).

This classification nearly coincides with the chronological development of the corresponding currents of research, and at the same time it points out the characteristic features of each current. The following explanations will help toward a better understanding of the terms given in the above classification.

The scientific study of Russian history begins in the second half of the eighteenth century. The character of research was then pragmatic, as everywhere in Europe at that time. Our first detailed descriptive works in what the Germans call "äussere (and especially 'politische') Geschichte"

appeared then (Tatishchev's and Shcherbatov's voluminous "histories" are the best among them). The well-known "History of Russia," by Solovyov—the Henry Martin of Russian historiography—is only a belated manifestation of the same tendency in historical research. The second (the critical) period was begun in Russia by the very originator of the same current in western Europe—the renowned Schlözer, who lived a few years in Russia in the beginning of the reign of Catherine II. But his work on Russian annals did not appear until the beginning of the nineteenth century, and it had no effect upon Russian scholars until 1830–1840, when its influence coincided with that of the next following current of thought. In 1860–1870, to be sure, a kind of "critical" school was founded in the St. Petersburg University by Professor Bestooshev-Ryoumin, whose influence can be traced in the activities of his pupils now teaching, but the positive results of their work are few, and the whole school had stood under strong suspicion of pedantry and hairsplitting hypercriticism, which led them to keep themselves aloof from modern historical thought and its influences.

These influences are summarized in our scheme under the general heading of "organic," and are subdivided into four stages, the "nationalistic," "institutional," "social," and "economic." The general feature common to all these stages is, indeed, that they endeavor to disclose the natural connection between the historical facts and to represent them as an organic whole. The idea of evolution is also common to all of them except the first, the nationalistic, which attempts to connect the facts rather on the basis of the idea of national immutability. The foundation for the nationalistic theory was at hand in the German philosophic teachings of Schelling and Hegel; Fichte passed by without influence. The theory itself is known under the name of "Slavophilism." It provoked opposition on the part of the liberal scholars, who first opposed the idea of evolution to that of immutability. The idea of national immutability had found its arguments in the study of the "national soul," which was supposed to be the depository of the national "spirit." The idea of evolution sought for arguments in the history of institutions, and thus constitutional history supplanted the

Völkerpsychologie; law scholars took the place of the folklorists in the general attention. But the idea of evolution could be only superficially applied to Russian history when applied to the study of the "institutions" alone. The forms of Russian constitutional life at that stage of the historical study were simply compared with the corresponding forms of other nations, and isolated features found to be similar were immediately taken as proof of the similarity in the whole historical development. The conclusion might or might not be right, but the method by which the conclusion was reached was decidedly wrong. Now, if the study of the political forms, or what may be called "political morphology," was not conclusive, it had to be completed and deepened by the study of political histology—the matter itself with which the political forms are filled. Thus the stage of social research was reached. But the study of the social structure of society is impossible without a study of the economic phenomena underlying the social structure; and thus it very soon led to the following stage of economical research, as conditioning a still deeper understanding of the social structure itself. One of the most important results of the last two stages of study was to revive the interest in peculiarities and local conditions of Russian history—too much forgotten by the students of institutions, who were mainly hunting after similarities alone. The deficiencies of the "comparative law" study have now become entirely manifest, and their mechanical parallels between similar institutions of different countries were partly supported by the evidence of social and economic history, partly rejected.

The change in the aims of historical research conditioned also the choice of historical sources. For the "pragmatic" history such sources were wanted as gave evidence about the "Haupt- und Staatsactionen," about the wars, diplomatic relations, and so on. These were also the sources which were the easiest to be reached. Particularly, the documents for diplomatic relations with foreign powers were preserved in abundance in the archives of the ministry of foreign affairs in Moscow and in St. Petersburg. Thus the pragmatic histories of Russia by Shcherbatov and by Solovyov were founded chiefly upon that sort of historical material.

Now, the "critical" current of historical thought brought with it the prevailing interest for the study of such sources as required previous critical analysis, i. e., the sources for the earliest history of Russia, particularly the annals. The more a source was unreliable the more it attracted the attention of the critical school. The later the epoch to be studied, the more abundant the sources, the less necessary the application of formal criticism, and the more the necessity of extensive rather than intensive study of the sources was felt. The new tendency of the "organic" study was to resort to the abundant and quite reliable "Urkunden" left by the Russian administration of the seventeenth and the following centuries, and deposited chiefly in the Moscow archives of the ministry of justice and also in local archives. At the same time the critical school persisted to devote its attention (even for that later epoch of study) to second-hand and less reliable material, its minute investigations mostly ending in mere negative results. Opposite to this St. Petersburg school of "critical study of sources" a Moscow school was founded depending chiefly on the Moscow archives in their study of institutions, social history, and, lastly, economic history. The Moscow school influenced also the specialists of the other universities, and now its position is generally accepted in Russia.

I hardly need to say that the above-mentioned metamorphoses in historical study do not exhaust all possibilities and do not preclude any further change. Just now a new current of thought and research is in process of development. This may be perhaps characterized as the "sociologic stage"—the fifth in our classification of the organic currents. I need not dwell upon the theoretic foundations of that new current, as it is chiefly from America that we borrowed our most widely spread and most prevalent sociologic doctrines, Mr. Lester Ward and Mr. Giddings exercising the greatest influence in that line. Let me mention only that, in application to the Russian research, the new current tries to reconcile the former ones, to take away their one-sidedness and limitations, to use for itself such matter as is sifted by the previous study, but to permeate all by its own method and to organize further research by making the most narrow specialist conscious of the great general aim to be attained.

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VI.—THE WORK OF AMERICAN HISTORICAL SOCIETIES.

By <sup>W. H. C.</sup> HENRY E. BOURNE,  
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## THE WORK OF AMERICAN HISTORICAL SOCIETIES.

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By HENRY E. BOURNE.

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American historical societies, like other American institutions, illustrate the advantages and disadvantages of decentralization. They are as diverse in aim and organization as the localities where they work or the periods when they originated. This diversity is encouraging, for it proves that the interest in history and the desire to collect historical material are not restricted to a few communities nor dependent upon two or three groups or individuals. The consequence must be a broader interpretation of American history. Students naturally inquire with filial care into the origins of their State or section, and out of a friendly strife of these rival interests comes a more catholic curiosity. To this is to be attributed, in part at least, the greater attention which for some years has been given to the growth of the West. History, like the center of population, has crossed the Alleghenies. The space given in manuals to the colonial period of the original States has been shortened in order to give more space to the colonial period of the States of the Central West and the West. In the creation of this broader interest the western historical societies have had an important share. But decentralization also has disadvantages, especially if it means isolated effort. The successes of modern historical investigation have been greatest where the scholars of a country have worked either upon a large common plan or under the stimulus of the suggestions and criticisms of their associates. Such a community of work is necessary to groups like historical societies as well as to individual scholars. The sense of what others are accomplishing quickens the laggards and directs the bewildered.



The lack of an effectively organized influence of this kind partially accounts for the unevenness in the work of different societies. How much might be done by fuller cooperation is suggested by the important influence now exerted by example alone. Everywhere the achievements of societies like the Wisconsin, the Massachusetts, and the Pennsylvania are held up as proofs of what has or should be accomplished.

Historical societies are, broadly speaking, of two types, illustrated by the Massachusetts and the Wisconsin. The Massachusetts bears the name of a great Commonwealth, but it is not a State organization nor does it receive a subsidy from the State. Its resident membership is restricted—originally 30, now 100. Membership is evidence of social prominence or of special achievement in historical investigation. The society is a characteristic product of a period and of a State in which higher education and similar scientific activities were, and are still, left mainly to private initiative and generosity. Of the same type are the New York and the Pennsylvania societies, and, with some reservations, nearly all the eastern organizations. The Wisconsin Historical Society, on the other hand, is a State institution, palatially housed and generously supported by the State. Its membership is unrestricted save by the payment of a small fee. Like the great State universities of the West, it is an example of the wise utilization of the public wealth to promote the intellectual interests of the community. But the contrast should not be pressed too far. The Wisconsin society is not a State institution in the sense of being directly under official State management. Those who have directed its affairs have guarded against even the suspicion that politics should ever control it. It is rather a group of individuals, organized as a corporation, to which the State has intrusted the administration of important interests. Everything acquired by the society, from whatever source, becomes at once State property. In order that the State's interests may be preserved, the three leading State officials (governor, secretary of state, and State treasurer) are *ex officio* members of its executive committee of 42 persons. Societies of the same type, avowedly patterned after it, exist in Minnesota, Kansas, Iowa, Nebraska, and in several other Western States.

A minor peculiarity, which may be noted in passing, is

that local societies in New England are generally town organizations, whereas south and west of the Hudson River they represent a county or district which has a common tradition, like the Wyoming Valley or the Western Reserve. In eastern Massachusetts there are almost as many historical societies as there are towns. Nearly 100 were in active existence in 1893, and several have been organized since that time. Outside New England, societies strictly local are either in large cities or have a special historical reason, like the Germantown Site and Relic Society or the Vincennes Historical and Antiquarian Society.

The number of historical societies in the United States is between 400 and 500. Of these, a little over 300 were listed in the bibliography printed in the report of this Association for 1895. The forthcoming "Handbook of Learned Societies," published by the Carnegie Institution, will contain more than a hundred others. Statistics of numbers do not reveal the strength or weakness of the movement. Societies may live in name only. Every year some cease to exist and others are organized. Besides the State or local societies there are several national or regional organizations, some with a general aim, like the American Antiquarian Society or the Southern History Association; others devoted to the history of a church—for example, the American Baptist, the New England Methodist, the New England Catholic, and the Universalist—and still others, like the Holland and the Huguenot societies, the German-American of Philadelphia or of Illinois, the Pennsylvania-German, or the Irish-American, which study the part their race has had in the development of the United States, and which in much of their work are akin to genealogical societies. There are several national organizations—the Society of the Cincinnati, of the Colonial Wars, of the Colonial Dames, of the Sons and of the Daughters of the American Revolution—which unite the descendants of colonial or revolutionary personages in preserving the memory of what their ancestors have accomplished and in cultivating a like patriotic spirit among themselves. They imply, even when they do not directly promote, much genealogical investigation. There are also purely genealogical societies, of which the most notable is the New England Historic Genealogical Society.

Indeed, organized research in genealogy is emphasized by many societies not founded primarily for this specific purpose. The reason is apparent. The genealogy of individuals is a form of history which appeals to many who are not interested in the genealogy of states or of institutions.

Of the State societies several, notably those of South Dakota and Arkansas, have been founded within the last few years. An attempt is being made to reorganize this work in the State of Washington. The older State Historical Society has been unable to accomplish much for years, and another has been organized with the State University at Seattle as its headquarters. The California Society, which practically ceased to exist in 1895, has also been revived. The Missouri Historical Society at St. Louis, being far removed from the State University at Columbia, and having become in large measure localized, there has been established at the latter place the State Historical Society of Missouri, which will largely, perhaps chiefly, be devoted to the collection of a library, to be housed in the university library building. Perhaps the most interesting movement of late has been the division of the work in Alabama and Mississippi between a State Department of Archives and History and the State Historical Society. Something of the same kind is about to be attempted in Tennessee.

The programmes of the State and local historical societies are varied, but the work for which they provide may be analyzed as follows: The association of those actively engaged in historical investigation or who wish to exert an influence toward the promotion of historical studies; meetings of members to read papers or to listen to addresses; the collection of manuscripts, books, and historical relics, maintaining these collections as public libraries and museums; marking historic sites; publication of papers or of documents of historic interest; reprinting rare pamphlets and books, and the support of public lectures. How many of these functions a society shall perform depends often as much upon circumstances as upon the preference of its managers. A society may excel as a collector of books in a special field. For example, the Minnesota Historical Society aims to possess a relatively complete collection of works on genealogy and town history, fields in which several of the other society

libraries are also strong. The Pennsylvania Historical Society is rich in the local histories of England, Scotland, and Wales, as well as of the United States. The Wisconsin Society is also well equipped in the sources of British history. The Connecticut Historical Society has 1,300 works on New England local history alone. The societies of Kansas and of Missouri emphasize the collection of complete files of all local newspapers; every editor or publisher who contributes his newspaper is a member of the society. This aim is partly the consequence of the fact that both societies were founded through the efforts of State press associations.

Many societies serve as convenient repositories for family documents or letters of permanent interest. This function is particularly useful in a country where few families retain their public importance more than two or three generations, so that for lack of family archives such papers may be dispersed or lost. One has only to glance over the list of the manuscripts of special value preserved in the archives of societies like the Connecticut or the Pennsylvania to realize the usefulness of such a function. In the series of the Pennsylvania Society are listed the Penn papers (150 volumes), Shippen papers (100 volumes), Dreer collection (100 volumes), Franklin papers (25 volumes), Buchanan papers (50 volumes), etc. In the Wisconsin Society is the now famous collection of the Draper manuscripts, in whose 400 stout folio volumes are papers of the Clark, Boone, Sumter, Brady, Patterson, Lewis, Preston, and other families of border renown. The most valuable publications of several societies are often editions of papers which have come into their possession by purchase or bequest. Recent illustrations are the volume of General Heath's letters, published by the Massachusetts Historical Society, and a collection of journals, letters, and muster rolls relating to the Dunmore war (1774), now in course of publication by the Wisconsin Society, which will be of great value to persons tracing their genealogies to the period of our colonial wars in the West.

The work of a society, State or local, depends especially upon the character of other agencies which partially occupy the same field. This is particularly true of the maintenance of libraries and of the preservation and publication of local or State records or papers. A society's work may be com-

prehensive if, as in Wisconsin, it is not merely an historical society, but the manager of the miscellaneous State library. Until 1875 a general State library had been maintained at Madison. The judges of the supreme court, who managed the State library, wished, however, to center its collection on law books. The legislature, at their request, transferred to the larger library of the historical society all the miscellaneous works of reference, so that thenceforth the society's library became the miscellaneous library of the State. Until 1890, when it moved into its own new building a mile away from the statehouse, the society's library was maintained as a general reference library, strongest, however, in history, economics, and political science. Admitting the State University library to its building, a plan of differentiation of collection was arranged between them, the society's library—of course, much the larger of the two—thereafter restricting itself to Americana, the British Empire, geography and travel, genealogy, and a few other lines, and the university library taking upon itself the other fields. While differently administered, the two libraries are now managed according to a common plan and supply practically a common constituency, save that the society library has also in view the duty of assistance to the legislature and State officials and the carrying out of an inter-library loan system throughout the Commonwealth, while its superintendent is ex officio a member of the State free library commission.

In Iowa the removal of the State capital from Iowa City to Des Moines the year the historical society was created made such complete cooperation impossible, but it was intended that the society should be in a sense "under the auspices of the State university." Since 1901, as from 1857 to 1868, its collections have been preserved in one of the university halls. The growth of the collections of the State library at Des Moines led to the creation in 1882 of a State historical department, which does much of the work ordinarily left to an historical society. In Alabama and Mississippi what in Iowa has been the result of circumstances has been determined upon after a careful consideration of the problem. The Alabama Historical Society was reorganized in 1898. One of its first successes was the creation of an official history commission charged with a report upon

the sources and material of Alabama history. The report of the commission led to the establishment of a new State Department of Archives and History, with the comprehensive task of caring for the State archives, collecting materials upon the history of the State, publishing official records and other historical materials, and the encouragement of historical work. The only part of the recommendations of the commission not adopted urged an annual appropriation of \$1,000 to enable the historical society to continue the publication of its "Transactions." The existing collections of the society were according to the agreement given to the State, and the society remained chiefly as a means of affiliating those interested in historical studies. In Mississippi a similar department was created two years ago, but better provision was made for the coordinate activity of the historical society, with headquarters at the State university. Here were to center researches, the results of which the society was to publish. The State agreed to grant an annual subsidy of \$1,000 to assist the work of publication. As in Alabama, the society turned over to the State its collections and left to the director of archives and history the duty of editing public records for publication. In a sense the society was to control the policy of the department, for the executive committee was to be the first board of trustees, with power of filling vacancies. Such a plan seems a wise utilization of forces, especially where the university is not located in the capital of the State.

In Michigan and Illinois still another arrangement exists. The historical society is actually or virtually a part of the State library. But in neither is there much cooperation with the university.

Several of the older States which do not subsidize, or do not have a distinctively State historical society, have long been engaged, through the officials of the State libraries or through editors especially appointed, in collecting and editing their colonial or State records. New York, according to her State historian, has since 1885 been expending annually about \$50,000 for this purpose. Occasionally where there is a State historical society it has become the agent of the State in such work. New Hampshire adopted this method at first, but subsequently appointed an editor of State papers. The

New Jersey Historical Society is still engaged in publishing the State archives, for which the State appropriates \$3,500 a year. Here the decision to undertake publication was the result of an agitation begun by the society many years before the legislature was persuaded to take favorable action. Maryland, in 1882, made the historical society custodian and publisher of her archives prior to 1776, and appropriates \$3,000 a year toward the expenses of the work. The Iowa State Historical Society has in course of publication the "Messages and Proclamations of the Governors of Iowa." Even where a society is not so employed it may exert an effective influence in promoting the direct publication by the State of such records. In Pennsylvania it was through the efforts of the American Philosophical Society and the Pennsylvania Historical Society that the legislature, in 1837, directed the publication of the "Minutes of the Provincial Council," the first of several important series of State publications. The Massachusetts Historical Society is credited with defending the editor of the "Province Laws" in the chronic warfare waged against their publication.

The fact that a State undertakes the publication of its own records does not crowd the local society out of a useful occupation. As already intimated, some of the strongest societies find sufficient occupation in publishing the papers which have come into their possession. They also reprint rare books and pamphlets. Many restrict their work to essays or addresses read at their meetings and to occasional documents.

There is much diversity also in the form of publication. Several societies issue what are called "Collections," or "Proceedings," or "Transactions," which often are virtually nonperiodical magazines. The societies of Pennsylvania, South Carolina, Ohio, Iowa, Texas, and Oregon maintain periodical "Magazines," or "Registers," or "Quarterlies." A few town societies in Massachusetts publish historical magazines, but they are mainly devoted to genealogy.

Occasionally an historical society is under the same management as the local association for the advancement of science. Many of the early historical societies had an aim as comprehensive as the original aim of the Massachusetts Historical Society, which provided for the "collection of

observations and discoveries in natural history and topography, together with specimens of natural and artificial curiosities and a selection of everything which can improve and promote the historical knowledge of our country, either in a physical or political view." The Vermont Historical Society included three departments—history, natural history, and horticulture. In Minnesota 5 out of the 11 departments provided for in the by-laws of 1879 are scientific rather than historical. Colorado embodies the same combination in the name, "State Historical and Natural History Society." Several local organizations are similarly comprehensive, notably the Wyoming Historical and Geological Society, at Wilkesbarre, Pa.; the Bridgeport Scientific and Historical Society, Conn.; and the Essex Institute, of Salem, Mass.

The work any society can undertake is quite as often dependent upon the size and stability of its income as upon the other circumstances to which reference has been made. If it has no resources save membership fees its activities are necessarily restricted. Small incomes are absorbed by the salary account if there is a library or museum, and nothing is left for the purchase of books or to pay for publication. Even endowed societies are under the necessity of providing for publication expenses out of special funds. The Maryland Historical Society has reported that the falling off in the income of the Peabody fund has led to delay in the appearance of what are termed "fund publications." Many of the publications of the Massachusetts Historical Society were paid for from a similar fund. To meet this need the New York Historical Society has resorted to an interesting plan, creating a publication fund divided into shares, sold originally at \$25, now at \$100, each shareholder being entitled to a full set of fund publications.

The largest societies without State support are the Massachusetts, New York, and Pennsylvania. Their annual expenditures are, respectively, \$18,000, \$12,000, and \$24,000. Several eastern societies, which for ordinary purposes rely chiefly upon receipts from membership fees or income from bequests, receive a small subsidy from the State. In Maine this depends upon publication; in New Hampshire it is \$500; in Vermont it is \$100 for binding; in Rhode Island \$1,500;



in Connecticut \$1,000, chiefly for publication; in New Jersey \$3,500 for publication of State archives, as already stated, and in Maryland \$3,000 for the same purpose. West of the Alleghenies only a few States, and these with one or two exceptions in the South, do not grant liberal subsidies to the State historical society. Wisconsin appropriates the largest amount, \$43,000 (\$20,000 directly), Iowa (the Historical Society and the Historical Department) \$17,500, Minnesota \$15,000, Kansas and Ohio between \$7,000 and \$8,000, and Nebraska \$5,000. There are a few instances of local grants, of which the most liberal is that of Buffalo, namely, \$5,000. Watertown, Mass., pays the town society \$1,000 annually to assist in the publication of the town records. At least two boards of county commissioners in Pennsylvania grant \$200 or \$250 to their county organizations under the provisions of a law which permits such grants to the oldest society in each county.

One can not review even in the most cursory fashion the work of American historical societies without being impressed by the number of centers of activity and substantial results already accomplished. If there are societies that are moribund this is due either to the lack of an income sufficient to enable some one, in the words of Mr. Thwaites, to "devote his entire time to the work, becoming personally responsible for the conduct of the society's affairs, and imparting to it life and individual character," or to a loss of consciousness on the part of its directors of what other societies are doing. Part of the remedy lies in greater cooperation among societies in the same State and between the societies and the historical faculties of the local universities. In a few States, like Iowa, it is arranged that local societies are members of the State society and may each send a voting delegate to meetings. The importance of intimate relations between the societies and historical faculties is evident from the fact that the larger faculties with their bodies of graduate students are virtually historical societies, engaged in important researches, the results of which appear in published theses, or in series of publications like the Columbia "Studies in History, Economics, and Public Law;" the Harvard "Historical Studies," and the Johns Hopkins University "Studies in Historical and Political Science." The relations of these

two bodies are especially intimate in Wisconsin, Iowa, Nebraska, and Mississippi. The membership of several of the older societies, like the Massachusetts, the Rhode Island, and the Pennsylvania, includes members of the faculties of Harvard, Brown, and the University of Pennsylvania. It is difficult to establish such relations unless the two are conveniently near each other.

Is it possible to increase the cooperation between the societies as a whole? Those most actively interested in them are generally members either of the American Library Association or of this Association. Last September, at St. Louis, steps were taken to affiliate for common work on the history of the Louisiana purchase the societies of States and Territories once included within its limits and of neighboring States. In France the historical societies, with the other scientific associations, hold an annual congress which is much like the annual meetings of this Association. The congress is directed by the comité des travaux historiques which is appointed by the ministry of public instruction. If some common direction is needed in a highly centralized country like France, where the intellectual life centers in Paris, it is much more necessary here. The necessity is present; the materials are at hand. The question is, What shall be done?



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VII.—PUBLIC RECORDS IN OUR DEPENDENCIES.

By **WORTHINGTON CHAUNCEY FORD**,  
*Chief of the Division of Manuscripts, Library of Congress.*

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## PUBLIC RECORDS IN OUR DEPENDENCIES.

By WORTHINGTON CHAUNCEY FORD.

It would seem as if a student of Spanish colonial policy should be able to find in the United States the material that was essential for a study of the seventeenth, eighteenth, and a part of the nineteenth centuries. For it has been from Spanish territory that the expansion of the territory since the treaty of 1783 has come, and, with one exception, on cession it has been stipulated that such archives, papers, and documents relating to the domain and sovereignty of the ceded territory should be turned over to the representatives of the United States.

The archives, papers, and documents relative to the domain and sovereignty of Louisiana and its dependencies will be left in the possession of the commissaries of the United States, and copies will be afterwards given in due form to the magistrates and municipal officers of such of the said papers and documents as may be necessary to them. (Art. II of the treaty for the cession of Louisiana to the United States, 1803.)

His Catholic Majesty cedes to the United States, in full property and sovereignty, all the territories which belong to him, situated to the eastward of the Mississippi, known by the name of East and West Florida. The adjacent islands dependent on said provinces, all public lots and squares, vacant lands, public edifices, fortifications, barracks, and other buildings which are not private property, archives and documents which relate directly to the property and sovereignty of said provinces are included in this article. The said archives and documents shall be left in possession of the commissaries or officers of the United States duly authorized to receive them. (Art. II of the treaty of amity, settlement, and limits, concluded with Spain in 1819.)

The treaty of Guadalupe-Hidalgo, 1848, under which Mexico ceded California, is silent on this subject, as is the supplementary agreement which secured the Gadsden purchase.

The treaty of Paris of 1898 recites:

In the aforesaid relinquishment or cession, as the case may be, are also included such rights as the Crown of Spain and its authorities possess in respect of the official archives and records, executive as well as judicial, in the islands above referred to, which relate to said islands or the rights and property of their inhabitants. Such archives and records shall be carefully preserved, and private persons shall, without distinction, have the right to require, in accordance with law, authenticated copies of the contracts, wills, and other instruments forming part of notarial protocols or files, or which may be contained in the executive or judicial archives, be the latter in Spain or in the islands aforesaid.

In reality, however, so little attention was given to a strict performance of these stipulations that in no place in the country is there a collection which even approaches completeness, even on matters of local concern. The effort of Jackson to extort from Callava a performance of the agreement is one of the comic passages in southern history; and the less known mission of Jeremy Robinson in search of the archives relating to Florida and Louisiana would make another search for the golden or paper fleece—in more senses than one. He found some in Pensacola and others in Havana, the larger part being in the "Archives Repository, Royal Factory," of the latter city. Still others, embracing many of the archives which were formerly in the custody of the captain-general of Cuba, had been removed from the government house to the Convent of St. Domingo. A valuable collection was also found to be in the possession of Madame Pintado (widow of the former Spanish land surveyor-general in Louisiana and Florida), who refused to part with the collection except for a large consideration. Mr. Robinson spent much time in examining and selecting material, ordering copies, and tracing the lost archives, from 1832 to 1834, many years after the treaties which on their face yielded the custody of the records, but there is no evidence of a transfer of archives to the United States.<sup>a</sup> In Florida, Texas, Mississippi, New Mexico, and California papers were obtained at the time of the cession, but in no instance are they known to be complete, and in one case they

<sup>a</sup> I am indebted to Mr. Andrew H. Allen, of the Department of State, for this account of Jeremy Robinson's mission. The journal he kept is in that Department, in 7 volumes, the first volume being missing.

have suffered much from neglect and deliberate destruction.<sup>a</sup>

The Spanish official was created to prepare reports, and in the dependencies of Spain this function received a cultivation that borders upon an excess. It is possible, perhaps, to picture the first comers with sword in hand; their successors took to the pen. The very vocabulary of Spanish terms applicable to minutes on administrative questions is a large one, perhaps increased by the ingenuities of the laws of taxation for multiplying fees and charges. If favors and promotions were bestowed for reportorial activity, the Spanish official deserved all his reward. Knowing this activity, and knowing something of the past experience of the United States with Spanish records, it was with some interest that I examined the conditions in the Philippines.

On the first occupation of the city of Manila by the Americans there was appointed a "keeper of the Spanish archives," but he could do little in the confusion that prevailed. The administrative offices were separate and often distant from each other; and the papers they contained, not well arranged as it was, suffered from removals incident to the installation of the new government. The attempt to bring them under one roof would only add to the confusion, for a want of proper knowledge of the colonial administrative system to make a proper discrimination and arrangement supplemented the dangers incident to removal. A building, used as the custom-house before 1863, when it was overthrown by an earthquake, and as the central offices of the treasury since its reconstruction in 1873, now known as the *intendencia*, was selected for such of these collections as could be brought together.

In October, 1901, the bureau of archives was created. In 1903 this bureau was in charge of Señor Manuel de Iriarte, who had held office in the Spanish régime, and was possessed of a knowledge of the ramifications and processes of that régime which was highly useful in his new position. He had under him a force of 12 clerks, natives, and the annual appropriation of \$10,000 gold enabled him to do little beyond the mere watch and ward of what was in his keeping. The exigencies of the American Government demanded more and more space in the building of the *intendencia*. The treasury

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<sup>a</sup> I refer to the New Mexican papers.



of the islands occupied one section of it; the coast survey and the storerooms of the constabulary commissariat had other sections. The records lay in piles in open spaces and corridors, and even in the open court, although the rainy season was at hand. Cartloads of papers had been disposed of wherever space offered, and, loosely tied in bundles, lined the entrances and doorways. Since 1903 they have been again moved and are now in the palace, where more space is allowed and better care insured. Only time and continued attention are required to save what has survived the many chances of loss and injury that surround manuscript material.

The larger mass of papers was naturally of a purely administrative character, bureau and departmental reports, and documents, local, municipal, and provincial. The nature as well as the arrangement of these papers forbade a close examination of any branch of them. To strike a number of formal returns, the stubs of public documents issued, or a package of minute items not unlike the individual returns made to our census was too discouraging.

The relation of one office to another, one class of documents to other classes, would require much study, and as the administration was singularly open to change in details from time to time this relation determined for one period would be misleading for another. The material would undoubtedly yield much of interest to an investigator of Spanish methods, but it would be material illustrative of the actual working or application of administrative methods. One example would be as good as a thousand, unless the investigator was intent upon developing the conditions of a limited range of territory, a single district or island, a task which at this time would be unprofitable.

Of local importance, too, are the land records; for what Spanish territory was ever free of disputed titles? Under Spanish rule these records were kept by notaries public, each notary retaining possession of the records in his own house or office. The only check lay in the requirement of using the paper stamped by the Government—a source of a small yet steady income to the administration. The land registration law, framed in 1902, provided that all these records should be delivered to the bureau of archives, where

they now are, a well ordered and notable collection. The series begins with the year 1740, comes down to date, and will be carried on under the new registration law. As a record of land holdings and transfers, of property and family relations, these records are of the highest value. It is difficult to see how they can be complete for the period they cover, in spite of the regulations thrown round the registries by the officials. If one may judge by the many pieces of property in the city under dispute, even where the church or the Government is involved, the temptation to manipulate or leave in doubt the actual ownership was too strong for humanity under a tropical sky to avoid.

I have used the words "notable," "valuable," and "important" so much for the minor features of these collections that the word "noble" only will apply to the series of royal decrees and orders which exist in this new dependency. They begin with the year 1660, and there is a tradition that the earlier papers, those of a date before 1660, were taken by the British when they occupied Manila, about 1763. The same tradition has placed these seized records in that most convenient of receptacles, the British Museum, to which indolence rather than knowledge has assigned so much that has disappeared from sight. The enormous fortunes lying in the Bank of England awaiting some American claimants are matched by the collections of papers, public and private, supposed to be buried in the collections of the museum. And it is to be feared that the tradition surrounding the disappearance of these earlier decrees serves as a convenient cover for carelessness or a worse fault somewhere in the long line of custodians of the records. The condition of the later years, those after 1660, give support to this suspicion, for there are many gaps, and not a few of importance. There are no decrees or orders for the years 1665, 1671, 1679, 1689, 1691-1693, 1709, 1731, and 1749. The entire collection must at some time have been bound in volumes, and occasionally changed in arrangement, for each document of the earlier centuries bears two and even more page numbers, showing that the papers must have been arranged in different series at different times, and probably they have been bound or stitched in such series three or four times. As these volumes were subject to be withdrawn by different bureaus or

departments as occasion required, and sometimes retained for a long period or not replaced in their proper position, as there was little or no examination of the contents of the volumes before and after such use, the wonder is that so much has been saved from loss. In 1880 an attempt was made to bring the collection together, and at some late period a chronological arrangement was introduced. This necessitated the breaking up of the volumes, and it would now be hopeless to undertake to schedule the papers by the old paging with a view to determine how far the series is complete.

These original royal decrees and orders number about 18,000 pieces, and are of the highest historical importance. Many bear the royal seal, many carry the royal signature, and many are stamped by the wooden block reproducing the King's signature. The higher officials of state also signed, with their characteristic flourishes or rubrics, and the formal nature of the papers, taken with the fact that so many are printed documents, signed in manuscript, shows that they were of a circular character, doubtless sent to the governors of all the leading Spanish colonies. The uncertainties attending the receiving of these orders led to the dispatch of two or, in a year of war, even of five copies by different vessels, and each document is signed in all formality. The connection between the Spanish court and the Papacy was most intimate, and papal bulls, letters, decrees, admonitions, or commendations are of frequent occurrence. The inclosures in the royal letters are often of greater interest than the letters themselves. Dispatches passing between Spain and her great rivals, England and France, play an important part in these papers in the earlier years, and the commercial and religious questions receive full treatment so far as general laws or decrees can effect them. As examples of the quality of these records I may cite a few that attracted my attention as I hurriedly ran over the titles. There was an apparently original letter from Sir Henry Bennett, dated July 20, 1660, announcing the cessation of hostilities between Spain and England. The declaration of war against France in 1673 is announced in two letters of the Queen Regent and six printed inclosures. In 1684 are found two pamphlets of 4 and 8 pages, signed in writing by five or six

ministers or agents, entitled "Tratado de Tregua entre esta Corona y la de Francia, ajustada en Ratisbona en quienze de Agosto, en Madrid, año 1684." The years of war with England and those of the American Revolution contain matter of immediate relation with our own history. In late years the interest is not so great, due perhaps to the absence of the picturesque features that surround the documents issued before the nineteenth century. But some compensation is made by the greater attention given to local affairs. The success of France and England in clipping the imperial profits of the Spanish colonies altered the tone as well as the subject-matter of these decrees.

A second series of papers contains copies or transcripts of these royal decrees and orders, and beginning with 1609 extends to 1898; but it is imperfect, not only showing many woeful breaks (such as having none for 1612, 1615, and 1636 to 1678, except 1665), but it does not give the valuable inclosures. It was not possible to make even an estimate of the number of documents included in this series, but it could hardly have been more than one-third that contained in the first.

Nor do these two series exhaust the possibilities of the records. Some pigskin-covered volumes contain both original decrees and copies, and their contents will some day be broken up and distributed in chronological order in the two series already described. An extended examination might have developed the exact relation of these papers to the great series, as well as thrown some light upon the curiosities of arrangements which doubtless affected the entire archives under the earlier custodians. But the results would hardly have repaid the labor, and the titles on the covers are sufficient to indicate a certain looseness of description answering to a certain originality in classification of contents worthy of all avoidance of imitation, thus:

1. "Varias Cédulas," 3 volumes. Volume I extends from 1588 to 1833, Volume II from 1756 to 1790, and Volume III from 1772 to 1829.

2. "Reales Ordenes originales," in 8 volumes, divided as follows: No. 1, 1635 [should be 1625] to 1686; No. 2, 1687 to 1720; No. 3, 1722 to 1747; No. 4, 1748 to 1765; No. 5, 1766 to 1772; No. 6, 1773 to 1781; No. 7, 1782 to 1790, and No. 8, 1791-92.

3. "Transcripts of Reales Cédulas y Ordenes," in 6 volumes, beginning with No. 4, 1650 to 1666, and running to No. 9, 1735 to 1747.

4. "Reales Ordenes," in 3 volumes, 2 of which have numbers. No. 10 contains papers from 1748 to 1764, No. 11 from 1763 to 1778, and a third volume, without number, papers from 1737 to 1805. Volume 10 appears to have been once in the possession or keeping of Don Goré Cuevas, superior of the order of the Jesuits.

5. "Reales Ordenes," in about 69 volumes, commencing with No. 4 (1784-85) and extending to 1856. Some royal orders are found in these volumes, but the greater part of these papers are ministerial dispatches from Spain.

A corresponding series of dispatches from the Philippine to the Spanish (home) Government extends from 1691 to 1870, but the imperfections are as numerous as they are important. For example, there are none from 1702 to 1750, and there is a sudden break after 1870. Mr. Iriarte explained this latter feature. The papers of a date later than 1870 were kept in a building used as executive offices, adjoining the summer residence of the governor-general, at Malacañan, a few miles from the city. Being occupied by the American troops, and all available space required, these papers were destroyed, as they were not supposed to possess any value.

Finally may be noted 187 volumes of papers emanating from the local government and concerned with all the questions arising under a colonial administration. There are some documents of the sixteenth century, and the last volume comes down to 1867. It would be a rich mine for a student of institutions and Spanish colonial policy in action.

With the establishment in 1853 of the "Boletín Oficial," an organ for publishing the important orders was created, and in 1860 this bulletin gave place to "La Gaceta de Manila." It was a daily issue containing decrees, royal orders, and local regulations on matters of administration relating to the Philippines, Joló, the Mariana and Caroline Islands, and Palaos. The last number was issued August 12, 1898. The matter printed was such as the authorities saw fit to publish, and constituted only a selection from the great mass. Some additional matter may be found in the undi-

gested but valuable "Boletin Oficial del Ministerio de Ultramar" (Madrid).

Passing from the archives of the state, those of the religious orders attracted attention, but the results were very disappointing. Three of the great orders have establishments within the walled city—the Augustinians, the Dominicans, and the Franciscans. The buildings themselves are impressive; great cathedral churches with monasteries attached, all constructed in the most solid manner by forced labor and of stone brought from China. The strength of the structure is such that they are fortresses rather than buildings for daily use; and while a liability to earth tremors more or less severe may explain some of this solidity, the eagerness of each order to obtain influence, even against its fellow-orders, is a factor not to be overlooked. This eagerness involved at times a state of war. The government could protect the churches against external foes, but it was powerless in the face of divisions within the church itself, and these establishments are reminders of a condition when the conquest of souls was not confined to the heathen native, but extended to the supposed heretic within the church. The Jesuits have no great establishment such as the other orders possess, but they are leaving a more lasting monument in showing a modern spirit of scientific research.

The monasteries are built round an open court, and in the galleries hang many paintings, portraits as well as religious allegories. The martyrs of the past and the superiors of the orders are represented, sometimes with a medieval hardness of feature and attitude and often with all the impossible situations of martyrdom drawn in lurid colors by a brush directed by ecstatic fervor rather than by the laws of perspective. Somewhere in the building is the library, usually locked, but a room to delight by its cool air, tempered light, and rows of pigskin volumes. Too much praise can not be given to those pioneers in the East who, for the love of God and devotion to the church, ventured their lives, mastered the languages, and left on record a picture—somewhat distorted, it is true—of the difficulties they encountered and the victories won. We boast of the Eliot Indian Bible and tracts, printed in Massachusetts after 1660; but the first book printed at Manila in the Tagalo appeared fifty years earlier,

prepared by a Franciscan and printed at the Monastery of Bataan. With that beginning followed a long list of dictionaries, text-books, and devotional exercises in various languages and dialects, and in two of the monasteries are still to be found such manuscript records of very ancient date—the labors of devout workers for the light.

The friars of the monasteries went into the districts of the islands and carried with them some of the publications of their order. On their return from service they would bring something of native production—a map, a sketch of history, an outline of a dialect grammar—but of this little is now in Manila. The greater part of these curiosities, together with the manuscript records of the monasteries themselves, were sent to Spain when the islands were purchased by the United States, and what remained is destined at some time to take the same direction. In the University of St. Thomas is a printing press which is still turning out religious manuals in the native languages and even attempting more ambitious issues, like church histories, as well as a newspaper devoted to matters of the missions.

Perhaps the fact, already noted, of one volume having been in the keeping or possession of the Jesuits may explain one element of growth and arrangement in the public documents. The relations between the church and the state were so close, the very existence of the one depending so largely upon the recognition and cooperation of the other, that two sets of the essential State papers were probably kept, the one in the palace of the governor-general the other in the archives of the Jesuit order. When that order fell under suspicion and eventually into disgrace with the State, what more likely than to have those archives return to the State? The expulsion of the Jesuits destroyed for a time the standing of that order, and its property, never approaching in amount that acquired by the other orders, was absorbed by the State. The decrees recognizing the existence and functions of the Jesuits so long as they were recognized must have been preserved by the friars in Manila. Yet if these records passed into the possession of the Government, why is there no better evidence of them in the existing collections than is given by this chance entry in a single volume? The problem which constantly meets us in dealing

with records is the reasons for their incompleteness. Apparently, under a government largely military and strongly centralized, possessing a centripetal energy that drew to certain places the activities of the outlying administrative regions, the material has disappeared.

What St. Helena was to the trade around Africa Guam sought to be to the trade across the Pacific. But the cabbage or vegetable patch of St. Helena was soon transferred to the mainland at the Cape of Good Hope, where it served its purposes until the occasion for developing a great hinterland arose and has given the basis for a State imperial in its dimensions, continental in its relations and ambitions. The original cabbage patch is better known for its having harbored one of the world's most remarkable adventurers, one who has left his impress on three continents. Guam offered fresh food for the ships of Spain in their passage from the Isthmus to the Philippines and assumed some importance with the rise of the whaling interests of the Pacific. Its slight stores were jealously guarded under the usual commercial exclusiveness that Spain has always enforced upon her dependencies, and having no hinterland Guam remained and must remain a speck on the map of the ocean, to be reported monthly as existing and little more. The island received its orders from Manila and returned its reports to that center. Tradition says the records were sent in 1840 to Manila, for what reason is not stated. Inquiry at Manila did not discover any trace of such a transfer, and no documents which would correspond to such a transfer were to be found in the archives.

Some of these archives are now in the Library of Congress, and their condition would seem to explain the fragmentary records that were found on the island. They have been eaten by insects and mice, dampened and rotted until the paper shakes down in a fine dust as they are handled. Mice, the polilla, the rainy season, supplemented by an occasional tidal wave, have enforced upon the islanders a forgetfulness of the past, which we may well envy them. Something remains, however, and from 1762 scraps of information on local customs and regulations, judicial and trade methods, military records, census returns, and tables of fees are to be found. Most exasperating are the lists of royal de-



crees received through the Philippine Islands for the Mariana Islands, a list of good things that have long since disappeared. Easy, indeed, must have been the conscience of a new governor when he signed the inventory of public property turned over to him by his predecessor in office; he signed for a vacuum, so far as the records were concerned.

I have spoken of scraps that remained. There is a very good series of orders issued between 1794 and 1800, by Governor Don Manuel Muro to the commandants of the towns of the island, a series in fair condition and believed to be complete. There are two decrees, dated 1800, printed in the Chamorro as well as the Spanish language, on the Spanish victory over the English in the Plaza of Zamboanga, P. I., papers relating to shipwrecked vessels, when the laws of man were suspended in the face of an act of God. Some few instructions issued to the governors on assuming office, and some dispatches and memorials from the island to the Philippine government, are well worth study; and the same may be said of 15 volumes of orders issued to the commandant of Guam by the governor-general of the Philippines, incomplete as the record is. The mention of one more document, because of its local color, may close this branch of the subject. It was an order issued from Manila for a Te Deum and cock fights to celebrate the pacification of the Philippines—which must have reached Guam after the Spanish fleet had been sunk in Cavite Bay.

For an account of the archives of Porto Rico I depend upon a report prepared in October, 1890, by Mr. Charles W. Russell for the American Commission. The generally modern character of the papers makes them of secondary interest for those who are interested in questions of colonial policy, but on matters of detail concerning Porto Rican affairs they may yield results. I do not follow the order of Mr. Russell's paper. He found the archives in the palace of the governor-general in great disorder, as no archivist had been appointed for many years.

There are volumes of correspondence (1795 and other years), naturalizations (1800-1836 and apparently to date), lists of strangers on the island (of 1814, 1864, and others no doubt), registers of slaves, proceedings of the junta de comercio, papers concerning condemned papers (1897 and others) presupuestos (estimates or assignments or

apportionments of taxes) for the island, papers relating to criminal matters (1841, etc.), stray leaves of correspondence (1733), royal orders (from 1801 practically to date), papers concerning public works 1815 apparently to date), a volume concerning a council of war (1795), papers concerning police, municipal, and other (many years).

The judicial archives are in a very satisfactory condition, extending from 1832, and being well arranged from 1866.

In the building of the ayuntamiento he found the archives of that body in a state of careful preservation, and beginning with 1722—

They contain the papers relating to elections of members of the ayuntamiento (from 1773); to elections of Porto Rican Deputies to the Cortes (from 1869); the municipal ordinances (from 1791); accounts of rents of San Juan's property (from 1757); estimates of taxes, etc. (from 1765); appointment of employees (from 1776); licenses for fishing, ferrying, etc. (from 1795; now issued by the Crown officials); papers relating to public lighting (from 1870); permits to build (from 1785); accounts of expenses of fiestas (from 1890); taxation of butchers and bakers (from 1869); papers relating to public works, streets, bridges, municipal buildings, etc. (from 1783); concerning the municipal police, or guardia municipal (from 1826); concerning the public charities, or beneficencia (from 1814; now controlled by the House of Deputies); concerning public instruction (from 1770); many concerning the aqueduct (from 1837; the aqueduct is not finished yet, however); the cemetery (from 1806); concerning the lands owned by the city (from 1773); the theater (from 1836); statistics or lists of taxpayers, etc. (from 1807); the lottery (from 1837 to 1874; no lottery at present); municipal contributions or taxes on rents, lawyers, physicians, merchants, etc. (from 1814); quintos, or persons owing two years' military service in Porto Rico (from 1861; now under the House of Deputies); pensioners (from 1844); concerning street cleaning and other public cleaning and painting (from 1813); public health (from 1766); inventories of all city property, movable (from 1846); papers concerning vaccination (from 1804); sidewalks and fountains (from 1820; there are no fountains); roads outside the city proper (from 1844), and papers concerning miscellaneous business (from 1768).

These papers of administration are supplemented by the department records proper, in the intendencia or in separate buildings. The treasury estimates are "reasonably complete" for a century past; the records of the posts and telegraphs were in some confusion, as the older records were not arranged, and this prevented any determination of the period of time covered by them. The department of public works begins with 1848, having been in charge of the military engi-

neer prior to that date. The institution of education has preserved a careful account of each student since 1874, but neither the methods nor the results of general education would yield encouragement to those wishing to know how far it has been carried. Before 1884 there was no school for girls outside of the towns, and even in the towns there were only one or two schools of every description prior to 1880.

The land records were more complete. The system of public notaries existed, and each of the 27 notaries of the island kept his records for the last thirty years in his own house. By a law of 1874 a record keeper for each district was provided, and to him was sent each year the volume of notarial entries of a date thirty years earlier. In 1898 the volumes for 1867 were thus deposited. If we are to judge of the result, the deposit merely transfers the risk, for the "archivero" for the San Juan district had in his house the books complete for one hundred and nine years, and the room in which they were kept was neither fireproof nor bug-proof—the latter being the element of greatest risk. Copies of land transfers, prepared on stamped paper, are sent to the registrar of the district, but under the high tax deeds are directly made between parties without the intervention of a notary and are valid. The office of registrar was created in 1880, and the records begin with that year. The notaries perform many services, and among others the making and preserving of wills, the originals of which are bound in the same books with the deeds of land transfers. These records would thus promise some valuable material on property rights and their history, as well as on family relations and social conditions on the island.

Turning to church records, Mr. Russell found in the cathedral building the records of the cathedral chapter, embracing royal cédulas, appointments of church dignitaries, correspondence with the captain general, etc., practically complete from 1652. The accounts of tithes collected from the churches of the island prior to 1858 are also here.

In the palace of the bishop I found a most interesting collection of royal cédulas, decrees, pragmáticas, orders, and provisions, the oldest dates 1635, but skipping then to 1687. There are but two of that year, two of 1696, two of 1697, and one of 1701. In all, down to 1750, there are 53, and after that others, making in all to 1832, 794. (Russell.)

It is evident that there has been great loss here, unless Porto Rico was subordinate in religious matters to Cuba.

In the priest's house adjoining the cathedral were found the original parish registers, complete from 1616, of births, deaths, marriages, and confirmations. The earlier volumes were illegible, but transcriptions made every fifty years have preserved the whole. The registers prior to 1616 were destroyed by the Dutch, who occupied and burned the then wooden village of San Juan.

In the intendencia building were found the records of two of the three monasteries abolished by law in 1851—those of Franciscans and the Dominicans. These papers concern the properties of the monasteries, and run from 1790 and 1791. The State took the property and gave a salary to the clergy, which was paid to the time of the American occupation.

An "Official Gazette," published every two days, has existed since 1833, and contains the more important matters touching upon the administration of the island.

In his interesting account of the "Materials for South-western History in the Archivo-General de Mexico" Mr. Bolton seeks to explain the presence of copies and the absence of important originals in the archives, taking for a starting point the intention of the Spanish Government to prepare in Madrid a general history of the colonies. This intention assumed an active form in 1780, and in pursuance with it papers were shipped from Mexico during the succeeding years of that century. Like most undertakings of such magnitude it could only slowly and partially be fulfilled, and the proneness to political disturbances both at home and in the colonies interfered with its performance, and finally put an end to it by changing the colonies into independent states or by transferring them to the United States.

So far as historical material, as such, is concerned, this explanation will doubtless hold for some of the special collections to be found in the archivo of Mexico and elsewhere. But Mr. Bolton<sup>a</sup> recognized the existence of originals in

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<sup>a</sup> Mr. Bolton's papers are printed in the Quarterly of the Texas State Historical Association, VI, 103, and VII, 196.

private and public keeping in the city and provinces, and it is to be feared that into private hands much of the missing material in Porto Rico and the Philippines passed, through interest or carelessness or even for safe-keeping. The description of the Talamantes papers would show that that reporter had access to the royal and vice-royal decrees, and his volumes contain the originals of some of these papers. What happened in one case would happen in many, and the multitude of reports prepared upon every conceivable topic of administration, in a Government that was more than paternal, almost patriarchal, in its scope, gave an opportunity for using the original records and a permanent withdrawal of the papers from the files. It is impossible to see a collection of Spanish records without a conviction that it is only a part of what was once a very much larger collection; and while the regulations appear to call for preservation and duplicate records by transcription, the rules were as often neglected as obeyed. We need only look into our own State records to see how the best have suffered by one chance or another, sometimes by deliberate intention.

No one who has seen the printed and manuscript collections of the Tropics can fail to be impressed with the difficulties attending their preservation. There are volumes in the Library of Congress brought from Porto Rico which look more like patterns in lace work than sheets of paper, so riddled are they by that most destructive of insects called by the Spanish the "polilla." Light and air are said to be certain preventives; but the volumes were rarely disturbed, and in the changes of season offered fat nesting places for the insects. In the East in the libraries of the various royal societies the shelving is made of teak wood—a wood which the white ant will not eat; and the foot rests of the shelves are placed in platters or boxes containing pitch, to intercept the roving insect. Unfortunately this pitch is often not looked after and, hardening, offers no resistance to the passage of the ant or polilla. It is the exception to find an old book not riddled, and only modern methods will counteract this danger. In Manila tin boxes washed in kerosene are used, and periodical exposure to the sunlight is attempted.

In measuring the importance of these Spanish documents

it must be borne in mind that the details must serve to illustrate the general methods of colonial policy and government. The series as they stand are too incomplete in the great essentials to be other than imperfect material for history. It was a European wave of conquest, followed by a foreign domination over races and people, aliens, looked upon as inferiors, to be taxed of necessity, to be converted if possible, and to supply enough to support the Government, with a little *lagniappe* for the agents of the Government, and an excuse for maintaining sovereignty. Whether the settlement was in Porto Rico, Florida, Louisiana, California, Guam, or the Philippines, the purpose was the same, and to some extent the methods were the same. It is difficult to imagine much use of these records for genealogical purposes, unless we are to be blessed with a "society of the followers of Legaspé" or "daughters of the original order of the galleons." The personal interest is slight. But a complete series would become of the very best of historical material. The colonial ambitions of Spain were boundless, and her religious activity made her the efficient agent of Rome wherever her colonies were planted. This gave international relations of importance and almost world-wide matters for record and regulation. The laws of the Indies were in their day a monument of administrative industry, but it was one thing to pass a law and another to carry it into effect. The colonies were distant, close supervision difficult, the agents were spoilsmen, and the natives were to be exploited. The mass of decrees and dispatches indicate that there was weakness somewhere in the chain, and hence this great mass is needed for a corrective. The good or the ill wishes of the home government were embodied in the decree; the application of the wish and the results would be recorded in the reports of the colonial administration. If a rosy view dominates in the actual message from the governor-general to his official superiors on whose favor his office and profits depended, a corrective exists in the local and provincial reports, also prepared by those anxious to please the higher powers, but written at a so much closer range as to be deprived of a certain tropical exuberance that gave a pictorial effect to the summary.



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VIII.—THE EXPLORATION OF THE LOUISIANA FRONTIER, 1803-1806.

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## THE EXPLORATION OF THE LOUISIANA FRONTIER, 1803-1806.

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By ISAAC J. COX.

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For the three years immediately following the purchase of Louisiana the annals of American exploration are exceptionally full of interest. It was during this period that Meriwether Lewis and William Clark performed their celebrated journey to the Pacific and Zebulon Montgomery Pike presented to his fellow-countrymen the alluring opportunity for adventure and reward in the Spanish internal provinces of the far Southwest. The work of these men, however, was upon a scale continental in its scope and was only indirectly concerned with the exploration of our new territorial acquisition. This latter task was intrusted to another group, among whom the most noted were William Dunbar,<sup>a</sup> George Hunter, John Sibley, and Thomas Freeman. To these men was assigned, in turn, the task of acquiring knowledge of the vast domain vaguely known as Louisiana. They worked under definite instructions, personally formulated by President Jefferson. Their efforts, though originally designed to embrace a field as extensive as the purchase itself, were, by the force of circumstances, restricted to the Red and Washita rivers. Within this narrow field, hardly beyond the rapidly advancing frontier line, and almost wholly within the limits of the present State of Louisiana, there was not the opportunity for picturesque adventure and unexpected discovery afforded by the two more famous expeditions; but this restricted area embraced the Louisiana-Texas frontier, and this fact gave additional interest to their explorations and at times promised to raise them to international importance. Aside from their political signifi-

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<sup>a</sup> Dunbar, who as a British subject rightfully bore the title "Sir William," was in his day the most noted scientist of the Mississippi Valley.

cance, these expeditions represented Jefferson's plan for the exploration of the Louisiana purchase and assisted materially in opening up to settlement the region in which they occurred. For these reasons they are by no means to be disregarded in a study of the factors that rendered memorable the acquisition of Louisiana.

Upon receiving news of the purchase of Louisiana, Jefferson immediately began the process of collecting information concerning this almost unknown territory. As the first step he submitted a list of seventeen questions to Daniel Clark, our consul at New Orleans; to William Dunbar, the scientist of Mississippi, and to William Charles Coles Claiborne, the youthful governor of that territory. Of these questions at least four related to maps of Louisiana, its boundaries, and the distances from the mouths of the Mississippi River to various points to the westward.<sup>a</sup> By September Clark had prepared his reply, and this, with supplementary information from Dunbar and Claiborne,<sup>b</sup> constituted the basis of Jefferson's report to Congress, November 14, 1803, upon our new territorial acquisition.<sup>c</sup> From a geographical standpoint the information furnished by these gentlemen, though practically all obtainable, was pitifully meager, and, such as it was, it directly opposed Jefferson's own opinion of the boundaries of Louisiana—an opinion derived from an examination carried on in his library at Monticello.<sup>d</sup> Under the circumstances he largely avoided the question of limits in his report, but determined upon a more thorough exploration of our new western frontier—a frontier which, despite a century of controversy between French and Spanish officials, by its vagueness still perplexed and embarrassed the new possessor of Louisiana.

Jefferson's plan for the exploration of Louisiana, and the distinction which he wished to preserve between the expedition of Lewis and Clark and those he now had in mind, is best

<sup>a</sup> Ford, *Writings of Jefferson*, VIII, 253, 254.

<sup>b</sup> These letters are in Claiborne's Correspondence, Vol. I (MSS.), Bureau of Rolls and Library, State Department.

<sup>c</sup> *Annals* 8 Congress, 2, 1498 ff. Also published as a separate pamphlet under the title, "Information Concerning Louisiana," by Duane, at Philadelphia, 1803.

<sup>d</sup> "The limits and bounds of Louisiana," published in "Documents Relating to the Purchase and Exploration of Louisiana." Boston, Houghton, Mifflin & Co., 1904.

shown in his letter of November 16, 1803, to Meriwether Lewis:<sup>a</sup>

The object of your mission is single, the direct water communication from sea to sea formed by the bed of the Missouri and perhaps the Oregon. \* \* \* I have proposed in conversation, and it seems generally assented to, that Congress appropriate 10-12,000 dollars for exploring the principal waters of the Mississippi and Missouri. In that case I should send a party up the Red River to its head, then to cross over to the head of the Arkansas and come down that. A second party for the Panis and Padouca, and a third, perhaps, for the Morsigona and St. Peters.<sup>b</sup> \* \* \* This [exploration] will be attempted distinctly from your mission, which we consider of major importance, and therefore not to be delayed or hazarded by any episodes whatever.

The result of Jefferson's quiet personal work among the members of the Eighth Congress appeared in a report dated March 8, 1804, from the Committee on Commerce and Manufactures.<sup>c</sup> After hazarding a surmise that the new territory extended to the Pacific, the report touched upon previous explorations of the Mississippi and of the Gulf coast, mentioned the plans for penetrating the upper Mississippi and Missouri, and closed by advocating the Red and the Arkansas as affording the next most favorable field for exploration. For this purpose the services of private individuals should be utilized wherever possible, and in addition, an appropriation should be given the President to supplement such efforts.

A few days later Jefferson wrote Dunbar<sup>d</sup> of his plan, and asked him to direct the expedition up the Red and Arkansas, in case Congress should authorize the required appropriation. He feared, however, that the pressure of public business might lead that body to defer the matter. Fortunately he secured an appropriation of three thousand dollars and on the 15th of the following month again wrote Dunbar<sup>e</sup> asking him to superintend the preparations for

<sup>a</sup> Jefferson's Writings (memorial edition), X, 431 ff.

<sup>b</sup> Jeffrey's American Atlas (London, 1776) shows these last four rivers with somewhat modified spelling. Their equivalents are as follows: Panis=Platte; Morsigona (Molingona)=Des Moines; Padouca (Paducas, Radoncas)=Kansas; St. Peters=Minnesota.

<sup>c</sup> Annals 8th Congress, 1, 1124-1126.

<sup>d</sup> Washington (editor), Works of Jefferson, IV, 540.

<sup>e</sup> Library of Congress, Jefferson Papers, series 1, vol. 10, Nos. 59 and 60. For references to the manuscripts of Jefferson, I am indebted to Mr. W. G. Leland, of the Carnegie Institution.

the expedition and to select its leader. For this position he suggested a Mr. Walker, of Mississippi, or a Mr. Gillespie, of North Carolina. He mentioned the fact that a Dr. George Hunter, of Philadelphia, would accompany the expedition, and spoke of his reputation as a chemist. In his replies of May 13 and June 1 Dunbar<sup>a</sup> believed that Gillespie was the better fitted by education for the command of the expedition, and that Walker possessed the greater natural talent, but that neither had any particular qualification for the work aside from a knowledge of surveying. At present Walker was in the Spanish army. If a man of "only moderate talents" was needed, he suggested that Doctor Hunter should command the expedition.

Meanwhile during the month of May, 1804, Dr. George Hunter, acting under the instructions of the Secretary of War, had busied himself in Philadelphia in the purchase of provisions, Indian presents, medicines, and instruments for the proposed expedition up the Red River.<sup>b</sup> On the 27th of May the Doctor and his son set out on horseback for the overland journey to Pittsburg. After eight days they arrived at the latter place, where they spent nearly two weeks superintending the construction of a flat-bottomed boat to convey themselves and stores to Natchez. The details of their journey to the latter town furnish a most interesting picture of pioneer travel upon the Ohio and Mississippi, but are not directly connected with our theme and so may be omitted. The Doctor records, "with a feeling of relief," that on the 24th of July they made fast to the shore at Natchez.

Although Hunter had consumed nearly two months on the trip from Philadelphia, he speedily learned from Mr. Dunbar that no preparations had been made for the expedition. Lieut. Col. Constant Freeman, the commandant of the garrison at New Orleans, was to furnish the boat and military escort, but had deferred all measures until Hunter's

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<sup>a</sup> Jefferson Papers, series 2, vol. 28, Nos. 62 and 63.

<sup>b</sup> For his movements until the expedition started from Natchez, the 16th of the following October, my authority is the "Manuscript Journal of Geo[rge] Hunter up the Red & Washita Rivers with W[illiam] Dunbar, 1804, by Order U[nited] S[tates], and up to Hot Springs." This manuscript is in the possession of the American Philosophical Society of Philadelphia, where, through the courtesy of Dr. I. Minis Hays, the writer was permitted to examine it.

arrival. Dunbar suggested that the Doctor should proceed with his boat to New Orleans, and if no better one could be procured, have some alterations made in it, buy the necessary stores, and return as soon as possible with the military escort. Accordingly Hunter was obliged to spend the next two months in the trip to New Orleans and return, and in the repairs to his boat, which, although constructed for use on a large river, was the only one procurable, and must, perforce, serve for the navigation of the smaller streams that they planned to explore. With a far from efficient crew composed of a sergeant and twelve enlisted men from the New Orleans garrison, and with his make-shift boat, Hunter, in the latter part of September, again reached the proposed starting point of the expedition—St. Catharines Landing, just below Natchez. In general one gains the impression from the pages of the Doctor's journal that only a very moderate degree of alacrity was displayed in following out the details of the President's plan.

Meanwhile there had been an entire change in the plan itself. On the 17th of July Jefferson wrote Dunbar <sup>a</sup> that on account of the defection of a part of the Osage Indians the expedition up the Red was to be postponed until the following spring. However, Dunbar was authorized to make use of the men and stores for a shorter excursion, and in the interim the delay would permit the selection of a fully qualified leader. The President also suggested that Dunbar should try to forward the account of this preliminary trip in time for effective use with Congress. In his reply <sup>b</sup> Dunbar announced that he in person would go up the Washita, and that Doctor Hunter would probably accompany him. He added another reason for postponing the main expedition in the fact that the Spaniards would probably have stopped it. As Don Nimecio Salcedo, the captain-general of the internal provinces of New Spain, had, in the preceding May, issued orders from Chihuahua <sup>c</sup> that no American should be

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<sup>a</sup> Jefferson Papers, series 1, vol. 10, No. 124.

<sup>b</sup> Jefferson Papers, series 2, vol. 28, No. 64.

<sup>c</sup> Salcedo to governor of Texas, May 3, 1804, MSS. Bexar Archives. This collection of valuable manuscripts relating to Texas history under Spanish and Mexican rule is not at present classified, and exact references are impossible. For the use of the extracts used in the preparation of this article I am indebted to my friend and colaborer, Dr. Walter Flavius McCaleb.

permitted to approach the Texas frontier or alone to mark the boundaries of Louisiana, Dunbar's surmise appears to be well founded. The Washita offered the advantage of having its headwaters protected from incursions of the predatory Osages by a group of rough elevated hills, and it was likewise remote from the Spanish outposts. While not so important as either the Red or the Arkansas, the river promised to support a large future population, whose pioneer elements were already settling upon its banks, and its exploration was necessary to complete the chart of our new territorial acquisition. These considerations to a certain extent compensated for the postponement of Jefferson's far-reaching plan of frontier exploration.

The route of the Hunter-Dunbar expedition was so prudently chosen that no untoward event occurred to render it memorable. On the afternoon of October 16, 1804, the start was finally made from St. Catharines Landing, near Dunbar's plantation, "The Forest." The personnel of the party consisted of Sir William Dunbar, Dr. George Hunter and his son, a sergeant and 12 enlisted men, and a negro servant of Dunbar's. The route covered the distance to the mouth of the Red River, up that stream to the Black or Washita,<sup>a</sup> to the hot springs near the source of the latter, and thence the return by the same streams, the whole occupying some four months. Naturally the major part of the details of such an expedition consist of scientific descriptions of the country traversed and the trivial incidents of life in the wilderness. Except as tending to throw light upon the general methods of frontier exploration these details are now relatively unimportant. Their observations upon the contemporary life encountered along the river banks and such experience as they gained for the use of succeeding expeditions more than repaid the cost of the attempt.<sup>b</sup>

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<sup>a</sup> The journals describe the Black as flowing into the Red, and the Washita into the Black.

<sup>b</sup> At this point it may be well to indicate the sources for information concerning this expedition. In addition to the manuscript journal of Dr. George Hunter, mentioned above, Mr. Dunbar kept a separate journal which was published by Houghton, Mifflin & Co., 1904, under the title "Documents Relating to the Purchase and Exploration of Louisiana." \* \* \* II The Exploration of the Red, the Black, and the Washita Rivers. By William Dunbar." A summary, evidently based largely upon Dunbar's journal, was published in *Annals* 9 Congress, 2, p. 1106 ff. If one should attempt a brief characteriza-

The population along the river was a never-failing source of interest, especially to Doctor Hunter. The greater part consisted of Canadian-French "of few wants and as little industry." There were a number of Spanish and French Creole families apparently of the same general character as the Canadians, but interspersed with them were a few of a higher order of industry and intelligence. Mingled with the elements surviving from the previous régimes were a few German, Irish, and American settlers of the frontier type, and the soldiers of the post on the Washita. About this post were grouped some 150 families of this nondescript population. A few scattered cabins above and below this place, with an occasional house of more pretentious appearance, constituted the settled portion of the country. The upper courses of the river were marked only by an occasional hunter's lodge, or "cache," utilized by the inhabitants, white and Indian, during the autumn hunting. The deer, bear, and wild fowl of the swamps and forests afforded the greater portion of the food supply of the region; but this was supplemented by an occasional patch of Indian corn and by a few wild cattle, kept for beef rather than dairy purposes. Two large land grants, affording a fertile field for future litigation, were located upon the Washita; that of the Marquis of Maison Rouge being located below Fort Miro, and the more recent one to the Baron de Bastrop, soon to be connected with Burr's ambitious filibustering project, extending 12 leagues square above it. The greater part of the inhabitants appeared to be satisfied with the sway of Lieutenant Bowman, the commandant at the military post.

The ordinary method of propelling the boat forward was by rowing, all twelve of the soldiers being employed at once at this work. Occasionally the wind permitted the sail to be used, or good walking on the banks offered an opportu-

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tion of the two journals he would probably say that Dunbar's is the more scientific but Hunter's the more readable. As a picture of frontier life at the opening of the nineteenth century the latter well merits publication. A legend on the title page of the Hunter Journal says that an abstract of it was published by order of the United States Government, but this evidently refers to the summary mentioned above. The legend further states that this abstract was also published as an appendix to one of the volumes of Brown's Literary Magazine, of Philadelphia. From the incomplete copy in the library of the Pennsylvania Historical Society the writer judges this to be a reprint of the same Government publication.



nity for "tracking" (towing). Each day the attempt was made to start before sunrise, but the dilatoriness of the soldiers generally prevented this. Long halts were made at 8 a. m. and at noon to prepare meals, take observations, and to permit the men to rest. Owing to the size of the boat and the laziness and insubordination of the men, they were seldom able to make more than  $1\frac{1}{2}$  miles an hour. Frequent shoals, logs, and trees lodged in the bed of the river, occasional rapids, "chutes," and rocky ledges, and the fact that the river was gradually falling added to the difficulty of the ascent. Upon their arrival, on November 6, at Fort Miro, some 196 miles from the junction of the Red and the Mississippi, they exchanged their boat for a smaller one and hired a guide. A little well-advised encouragement from Mr. Dunbar gave the soldiers, who really were glad to escape the fever-tainted atmosphere of New Orleans, an enthusiastic interest in the success of the expedition. The journey above Fort Miro, though more difficult, was a marked improvement over the first part of the way.

At the island of Mallet the travelers discovered, in taking the observation of November 15, that they were within half a minute of the new boundary line of Orleans Territory—the thirty-third degree. Here they lost the Spanish moss of the lower courses of the river, left the alluvial swamps for higher land, and observed other marked changes that differentiated the country above and below the new limit. A week later they passed the Caddo "trace" leading from the Red to the Arkansas, and a little above this the Ecorse|s de Fabri, some sand hills where tradition, detailed by the guide, reported that leaden plates once marked the boundary between the French and Spanish colonial possessions. Naturally they found no vestige of these plates. From occasional parties of hunters they learned many facts concerning the Red and Arkansas, Missouri and Platte rivers, the Indians living upon them, and the vast plains through which they flowed.

In a very small measure only this method of procuring information answered the purpose of Jefferson's extended plan. Far greater service was rendered in the acquisition of practical experience for the guidance of future expeditions of this sort. It was speedily discovered that a special boat was needed to navigate the shallow waters of these

interior streams. It was likewise noted that the discipline of a detail of enlisted men could not be maintained simply by a noncommissioned officer. More important still was the result of the experiment in transferring some baggage from the head of navigation on the Washita (the Fourche de Chalfat) to the Hot Springs. Though the distance was less than 9 miles and the loads carried by the soldiers purposely made very light, they complained bitterly, and, as Dunbar thought, with justice, of the difficulties of this method of transporting baggage. The experiment led Dunbar to consider the vastly increased difficulty of using this scheme for a much larger company between the headwaters of the Red and the Arkansas, especially when they were wholly uncertain of the distance. In accordance with Dunbar's suggestion, the President afterwards modified this feature of his original plan.

The voyagers reached the head of navigation on the Washita on December 6, and started on their return journey on the 8th of January. The interval was employed in observations and excursions in the vicinity of the Hot Springs. The snows and rains of this period increased greatly the volume of water in the river and facilitated their descent. On the 16th they were at the post of the Washita, where Dunbar left the party to return overland to his home. On the 31st Hunter brought the boat to St. Catharines Landing, and on the 9th of the following month delivered the escort, safe and sound to a man, to Lieutenant-Colonel Freeman at New Orleans.

The results of this scientific expedition, in connection with the reports from Dr. John Sibley, the Indian agent at Natchitoches,<sup>a</sup> afforded the first fairly satisfactory picture of the southern portion of our new acquisition and apparently stirred up Jefferson to signalize his second Administration by its exploration, as he had signalized his first by its acquisition. March 12 he wrote Dunbar<sup>b</sup> that as Congress had appropriated \$5,000 additional, the expedition must immediately be set on foot. One of the most important of the questions before them was the selection of the proper scientific men to direct it. Doctor Hunter concluded not to go. Jef-

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<sup>a</sup> *Annals* 9th Congress, 2, p. 1076-1106 ff.

<sup>b</sup> *Jefferson Papers*, series 1, vol. 10, No. 268.

fer son first mentioned a "Mr. Perse," of the Post-Office Department, and as a possible second a "Parson Wiley," of a Washington academy.<sup>a</sup> C. S. Rafinesque had made some inquiries concerning the botanical work of the expedition, but the place was not judged worthy his attention.<sup>b</sup>

None of these men proving available, Jefferson suggested to Dunbar a certain George Davis, but the Mississippian rejected him on account of his unfortunate personal disposition.<sup>c</sup> Finally a Mr. Thomas Freeman, whom Jefferson had previously mentioned as a suitable person for an assistant, was selected as its official head, to serve, however, under the supervision of Dunbar. Freeman was to manage the astronomical work, but a botanist must still be selected. Freeman himself mentioned<sup>d</sup> Dr. Garrett Pendergast and Dr. Fred Seip, both residing near Natchez, as suitable men for this work, but it was not until the 12th of January, 1806, that Jefferson wrote Dunbar,<sup>e</sup> "we hope we have procured a good botanist to accompany him." Dr. Peter Custis was the fortunate candidate. There still remained an assistant for Mr. Freeman. Dunbar first tried to obtain Lieut. E. P. Gaines, but as he could not leave his post he finally selected Lieutenant Humphrey, a "young officer of considerable talents," to whom Mr. Freeman seemed "already particularly attached."<sup>f</sup> This selection was not made till May 1, 1806, upon the eve of the departure of the expedition. The difficulty in securing proper officers will readily account for the long delay in getting it started. Scientific men possessing the requisite physical stamina for frontier exploration were hard to find in America at the opening of the nineteenth century.

Jefferson's new instructions to Dunbar,<sup>g</sup> dated May 25, 1805, show one result derived from the preliminary expedition of the previous year. On account of the difficulty of transporting baggage from the head of the Red River to that of the Arkansas, and because of dangers to be apprehended from the Osages, the President determined to confine

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<sup>a</sup> Jefferson Papers, series 1, vol. 10, No. 271.

<sup>b</sup> Jefferson Papers, series 1, vol. 10, No. 202.

<sup>c</sup> Jefferson Papers, series 1, vol. 10, No. 301; series 2, vol. 28, No. 69.

<sup>d</sup> Jefferson Papers, series 2, vol. 34, No. 48.

<sup>e</sup> Jefferson Papers, series 1, vol. 11, No. 95.

<sup>f</sup> Jefferson Papers, series 2, vol. 28, No. 74.

<sup>g</sup> Washington, Works of Jefferson, IV, p. 577ff.

"the ensuing mission to the ascent of the Red River<sup>a</sup> to its source, and to descend the same river again." Dunbar was also to write to Governor Claiborne, of Orleans Territory, to secure from the Marquis of Casa Calvo, the Spanish boundary commissioner, a passport for the party. As proof of the exclusively scientific character of the expedition he was to offer to receive one or more Spanish representatives as members of the party. The fact that they were empowered to trade with the Indians should guarantee a favorable reception from the latter, and the members of the expedition were to do everything in their power to attach them to the United States Government, especially in view of the state of its affairs with Spain. In the latter part of this letter Jefferson thus touches upon two factors—Spanish frontier officials and neighboring Indians—that were to elevate this expedition to international importance.

The Marquis of Casa Calvo had been a governor of Louisiana under the Spanish régime and came to the province a second time in April, 1803, to act as one of the commissioners for Spain in its transfer to France. After its delivery to that power and later to the United States he still continued at New Orleans in his other capacity as commissioner to mark the limits between the possessions of His Catholic Majesty and those of the United States. Due notice of his new appointment was given to the American officials and to those of the Internal Provinces as well.<sup>b</sup> He speedily became an object of suspicion to the American authorities, who distrusted his motives in remaining at New Orleans, and likewise was viewed with jealousy by his fellow colonial associates in Texas and Chihuahua; and his later correspondence showed that both had cause for their respective attitudes. In June, 1804, he wrote Juan Bautista Elgueza-bal,<sup>c</sup> then governor of Texas, that he had definite information of Jefferson's intention to send an expedition up the Red River; and he assured the governor that the mere reading of this information should lead him to take urgent and imme-

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<sup>a</sup> As late as March 28, 1806, Jefferson gave Dunbar the option of exploring the Arkansas first, if he so desired. (Jefferson MSS., series 1, vol. 11, No. 167.)

<sup>b</sup> Salcedo to governor of Texas, May 3, 1804. (MSS. Bexar Archives.)

<sup>c</sup> Casa Calvo to Elgueza-bal, June 27, 1804. (MSS. Bexar Archives.)

diate measures to hinder or even destroy such expeditions, in order to preserve in their integrity the vast and rich possessions of His Majesty. At least the law of nations, he suggested, would permit the governor to delay, in the beginning, the progress of this dreaded enterprise. During the same month and in the following September he communicated dispatches of similar tenor to Don Pedro Cevallos, the Spanish minister of state for foreign affairs,<sup>a</sup> in the course of which he recommended measures not merely to prevent the exploration of the Arkansas and Colorado (Red), but also to impede the progress of Capt. "Lewis Merry Whether" up the Missouri.

Accordingly, a year later, when Claiborne, in accordance with the suggestion of the President, approached Casa Calvo<sup>b</sup> for a passport for the exploring party, the Marquis was not a little embarrassed to know what to do. In his request Claiborne dwelt upon the scientific character of the enterprise; Dunbar's skill, reputation, and services for both governments, and the similarity of this undertaking to Humboldt's well-known tour; and as a guaranty of its exclusively scientific purpose, he accompanied his representation with a frank offer to receive as members of the party one or more Spanish representatives. In addition, Claiborne's request was indorsed by Andres Lopez Armesto, the former secretary of the province and the present secretary of Casa Calvo's boundary commission. In his perplexity the Marquis determined to grant the passport and appoint some one to represent Spain, but at the same time not to compromise himself nor interfere with the action of Captain-General Salcedo.

Casa Calvo believed the scientific object of the expedition to be a simple pretext to hide the President's territorial ambition. But in view of the fact that the Americans possessed the right bank of the Mississippi and the mouths of the Red and Arkansas, they could hardly be prevented from navigating those streams, especially as the true limits of the two countries were not accurately defined. Moreover, because of the progress already made by Captain Lewis it

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<sup>a</sup> Casa Calvo to Cevallos, July 18, 1805. (MSS. New Mexico Archives, Library of Congress.)

<sup>b</sup> *Ibid.*

would be impossible to restrain the Americans short of actual hostilities. These he believed to be inevitable, and accordingly thought the opportunity to learn, not merely the character of the country that would be the probable seat of war, but also the plans and real knowledge possessed by the Americans, too good to lose. So he answered Claiborne<sup>a</sup> with apparent cordiality, expressing his belief in the scientific character of the expedition. At the same time he added that as the upper part of the rivers in question bordered on Texas, and perhaps the country farther in the interior, he must give due notice of the expedition to Captain-General Salcedo, in order that the latter could take such measures as his instructions required. His secretary wrote the General<sup>b</sup> concerning the situation and left him to do what he judged necessary. Casa Calvo's whole course seems directed with a view to avoid giving offense to the American authorities, who might cut short his stay at New Orleans; to establish himself firmly with the administration at Madrid, and to throw upon Salcedo the final decision in the matter of the exploring expedition.

If Casa Calvo was unwilling to assume this responsibility, the case was far different with the bluff soldier who then ruled at Chihuahua. In his reply<sup>c</sup> to the communication of the Marquis he bluntly informed the latter that although the expedition bore his passport, he, as captain-general, understood the interests of his Government and should protect those interests against the proposed incursion. He professed to see in the expedition, and in that of "Mr. Merri" along the Missouri, simply an attempt to gain military knowledge of the country or to tamper with the allegiance of the Indians. The Spanish Government needed no geographical knowledge of the country, already thoroughly explored by its traders; and if the Americans wished to obtain such knowledge he would cheerfully furnish it upon proper application to his department. In view of danger to their Indian allies, all expeditions from the United States must, for the present, be suspended; and to this regulation Dunbar's expedition must conform.

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<sup>a</sup> Casa Calvo to Claiborne, July 18, 1805. (MSS. New Mexico Archives.)

<sup>b</sup> Andres Lopes Armesto to Salcedo, July 18, 1805. (MSS. New Mexico Archives.)

<sup>c</sup> Salcedo to Casa Calvo, October 8, 1805. (MSS. Bexar Archives.)

Just six days before this Salcedo had written Iturrigaray,<sup>a</sup> the Viceroy of New Spain, complaining of the expansion policy of the American Government, especially noticeable in their exploring expeditions and Indian negotiations, and expressing a fear that a new expedition was to be introduced under Casa Calvo's passport. When surmise became reality, it is not at all strange that his reply to the Marquis was not more gracious, or that he took occasion to make his conduct the object of serious complaint at Madrid.<sup>b</sup> He immediately ordered <sup>c</sup> the new governor of Texas, Antonio Cordero, to detach a force from the frontier posts of Texas to watch the Colorado (Red) and Napertle (Arkansas) for the Dunbar expedition. If encountered, the members of the patrolling force should compel it to remain under their "opportune protection" until it withdrew. The Spaniards should especially observe the intercourse of the expedition with the Indians; and by cleverly utilizing their own native allies they might cut off its provisions and thwart it at the beginning.

While arranging the personnel of the exploring party and trying to tie the hands of Spanish frontier officials by means of Casa Calvo's passport, President Jefferson and his advisers were not unmindful of the third factor necessary to secure the success of the expedition—the good will of the Indians dwelling along the Red River. In December, 1804, Secretary Dearborn forwarded to Dr. John Sibley,<sup>d</sup> a Revolutionary veteran from North Carolina and a recent arrival at Natchitoches, a request to act occasionally as an agent for the United States in holding conferences with the various Indians of his vicinity. He was to attempt to keep them well disposed toward the American Government, by a judicious distribution of some \$3,000 worth of merchandise. On the 23d of the following May Dearborn expressed his gratification at a report from Sibley,<sup>e</sup> giving the names and approximate strength of the principal Indian tribes between the Arkansas and Rio Grande, and added:

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<sup>a</sup> Salcedo to Iturrigaray, October 2, 1805. (MSS. Bexar Archives.)

<sup>b</sup> Coues, *Expeditions of Zebulon Montgomery Pike*, 612, 613.

<sup>c</sup> Salcedo to Cordero, October 8, 1805. (MSS. Bexar Archives.)

<sup>d</sup> Dearborn to Sibley. (Indian Office, letter book B, 30.)

<sup>e</sup> Indian Office, letter book B, 80. (For Sibley's report see *Annals of Congress*, 2, 1076 ff.)

At all times use all means to conciliate the Indians generally and more especially such natives as might, in case of a rupture with Spain, be useful or mischievous to us. *None ought to engage your attention so early as those who reside in the immediate vicinity of the Bay of St. Bernard*, and from your description of their present temper and disposition, it will require no great exertion to draw them firmly to the interests of the United States. They may be assured that *they, and all other red people within the limits of the United States,*<sup>a</sup> will be treated with undeviating friendship as long as they shall conduct themselves fairly and with good faith toward the Government and citizens of United States.

This letter, significant for its territorial claims as well as for the Indian policy outlined, closed with a suggestion that Sibley prepare the minds of those Indians in the vicinity of the Red River, Attacapas, and Opelousas for a proposed land survey by the United States Government. If it should be necessary to run lines through their lands, in order to make the survey complete, they were not to be alarmed. "Not an acre will be taken," the Secretary affirmed, "except with payment and treaty under the auspices of the United States and free concession on their part."

In the report transmitted to the seat of government Sibley estimated the fighting strength of some 30 tribes between the Arkansas and Rio Grande (not including the Comanches) at 2,800 warriors. The number and strength of these Indians surprised the President,<sup>b</sup> and doubly impressed him with the importance of retaining the friendship, with which, as the successor of France, he understood these natives already regarded the United States. Accordingly Sibley was made a regular agent, furnished with the customary goods for trading, and urged to induce some of the principal chiefs, especially of the Caddos, to visit Washington, or at least New Orleans.<sup>c</sup> From the other side of the border Salcedo had been issuing instructions<sup>d</sup> to prevent the removal of Indians from Texas into Louisiana, and by every means possible to keep them faithful to Spanish

<sup>a</sup> The italics in this extract are those of the author. In a letter of October 17, 1805, giving Sibley a commission as permanent agent, Dearborn hopes that Sibley has made a "proper impression" upon the Indians near St. Bernard Bay. (Indian Office letter book B, 122.)

<sup>b</sup> Washington (Ed.), Works of Jefferson, IV, 580, 581.

<sup>c</sup> Indian Office letter book B, 122.

<sup>d</sup> Salcedo to governor of Texas, July 17; August —, 1804. (MSS. Bexar Archives.)



allegiance. During the following year, from each group of frontier officials, came recriminations<sup>a</sup> against the unfair dealings of the other with the Indians in the disputed territory. On the whole the advantage in the contest for savage allies seemed to rest with the Americans, for on the 16th of July, 1805, Salcedo wrote Iturrigaray<sup>b</sup> that he should need at least 150 additional men to cope with the Indian machinations of the "revolutionist," Doctor "Sikbley," and in addition, he suggested that Casa Calvo should request the United States authorities to cease such proceedings. In later letters to the governor of Texas,<sup>c</sup> urging that official to redouble his efforts to retain the friendship of the Indians, he gave vent to a most bitter tirade against the Indian policy of the new government of Louisiana Territory. "Only a declaration of war," he savagely concluded, "will reveal the perfidy of its emissaries among the Indians." If his anger and alarm were so strongly aroused by the course of affairs on the outskirts of his command, it is no wonder that he unhesitatingly refused to sanction an incursion far within what he regarded as the undoubted possessions of the Spanish King. Could he have known the exact tenor of Jefferson's instructions to Sibley and Dunbar regarding their relations with the Indians, he would have been still more firmly convinced upon that ground alone of the rightfulness of his refusal to countenance the expedition.

Meanwhile events in Louisiana were gradually shaping themselves so as to nullify the moderate amount of protection afforded by Casa Calvo's passport. In the summer of 1804 Casa Calvo commissioned Juan Minor, of Natchez, a naturalized American citizen, to explore portions of the coast of Texas and make a map of the region. The jealousy of Salcedo frustrated this plan.<sup>d</sup> A year later Casa Calvo himself left New Orleans to go to the Sabine frontier for the double purpose of hunting and acquiring informa-

<sup>a</sup> See American State Papers, Foreign Relations, II, 690, 691; Salcedo to Iturrigaray, August 20, 1805; Dionisio Valle to Cordero, October 3, 1805. (MSS. Bexar Archives.)

<sup>b</sup> Salcedo to Iturrigaray, July 16, 1805. (MSS. Bexar Archives.)

<sup>c</sup> Salcedo to Cordero, October 8 and 22, 1805. (MSS. Bexar Archives.)

<sup>d</sup> Passport to Juan Minor, July 6, 1804; Elguezabal to Salcedo, August 29, 1804; Ugarte to Elguezabal, October 1, 1804. (MSS. Bexar Archives.) In this connection it is significant to note that during the following summer Minor entertained Burr at his home in Natchez.

tion concerning the former limits of French and Spanish jurisdiction. Both the Spanish officials of Texas and those of the Territory of Orleans were suspicious of the real objects of the Marquis; but the former apparently believed him to be really engaged in work as boundary commissioner, although they charged that at the same time he took occasion to advocate an immediate attack upon the Americans in Orleans Territory.<sup>a</sup> The latter authorities, influenced by Casa Calvo's ready response to the request for a passport for Dunbar, did not try to prevent Casa Calvo from journeying to the Texas border, but they believed him to have the design of tampering with the Indians, of colonizing discontented Creoles in Texas, and even of leading a large Spanish force into their territory.<sup>b</sup> Consequently it was with a feeling of relief that Governor Claiborne received word from Washington to require the immediate departure from American territory of Casa Calvo and other Spanish officers still at New Orleans.<sup>c</sup> Claiborne had made arrangements before Casa Calvo left to have Capt. Edward Turner join him on the frontier, but the Marquis managed to avoid this officer. When the governor received the President's definite order, he sent another officer to intercept the Marquis and prevent his return to New Orleans. He likewise was unsuccessful in this. Casa Calvo arrived in New Orleans on the night of February 4. Two days later Claiborne informed him of the desire of the President for his immediate departure, and, despite the indignant protests of the Marquis, followed a firm but urbane correspondence by transmitting a passport on the 12th, and this final hint necessitated the departure of the Marquis on the 15th.<sup>d</sup>

The departure of Casa Calvo rendered the passport given by him utterly valueless, and in addition stirred up the resentment of all the Spanish frontier officials of the vicinity. This resentment was still further increased by an event happening simultaneously on the Sabine frontier. During the preceding autumn small Spanish detachments had been

<sup>a</sup> Salcedo to Cordero, January 1 and 28, 1806; Rodriguez to Cordero, March 4, 1806. (MSS. Bexar Archives.)

<sup>b</sup> Claiborne to Madison, November 5, 1805 (Claiborne Correspondence, III); John Graham to Madison, January 2, 1806 (Claiborne Correspondence, IV).

<sup>c</sup> Claiborne to Madison, January 7, 1806. (Claiborne Correspondence, IV.)

<sup>d</sup> Claiborne Correspondence, IV; Gayarre, *History of Louisiana*, IV, 131, 132.

thrown to the eastward of that river and one of these had penetrated as far as the ancient Spanish post of Adaes, abandoned some thirty years before.<sup>a</sup> After attempting to get some assurance from the Spanish commandant at Nacogdoches that these forces would be withdrawn and no further raids permitted, Major Porter, commanding at Natchitoches, ordered Captain Turner, on the 1st of February, to advance with 60 men to the vicinity of Adaes, where he would probably fall in with a "stationary body of armed Spaniards." This force he was to compel, if possible without bloodshed, to retreat beyond the Sabine. Turner fell in with a detachment of some twenty men under Ensign Joseph Maria Gonzales, who, after some altercation, agreed to take up his march for the Sabine and to send no more patrols on the east side of the river.<sup>b</sup>

This direct insult to the Spanish arms, coupled with the lack of consideration shown to His Majesty's commissioner and other officers, added to the jealous fears of the Spanish captain-general the requisite desire for revenge. This combination of motives boded ill for any expedition venturing near the uncertain limits of the Internal Provinces upon the double mission of frontier exploration and Indian negotiation. Salcedo furthermore took the precaution to order a second force from New Mexico to intercept Freeman's party in case the latter escaped that detailed by the governor of Texas.<sup>c</sup>

As yet the Red River expedition, planned for October, 1805, had not made a start. In a letter to Volney,<sup>d</sup> dated February 11, 1806, Jefferson regretted the unavoidable delay, and in his special message to Congress<sup>e</sup> on the 19th he stated that the exploration of the Red River was but just commencing. It was two months later, however, before the expedition so hardly, and as events proved, so vainly, planned for cast off from Fort Adams and swung into the opposing current of the Red River. In addition to Mr. Freeman, Doctor Custis, and Lieutenant Humphrey, already

<sup>a</sup> Gonzales to Rodriguez, October 16, 1805; December 1, 1806. (MSS. Bexar Archives.)

<sup>b</sup> American State Papers, Foreign Relations, II, 798, 799.

<sup>c</sup> Cones, *The Expeditions of Zebulon Montgomery Pike*, 412.

<sup>d</sup> Ford, *Writings of Jefferson*, VIII, 420.

<sup>e</sup> *Annals*, 9th Congress, 2, 1037.

mentioned, the party consisted of Capt. Richard Sparks, 2 noncommissioned subalterns, 17 privates, and a black servant—a total of 24. Profiting by the experience of the previous expedition, the party was borne in 2 flat-bottomed barges and a pirogue, all of light draft. It was the intention of the explorers to proceed on the Red to the head of navigation among the Panis (Pawnee) Indians, and thence to take horses to the “top of the mountains,” in which it was supposed to rise, a few miles from Santa Fe. The return trip was to be made by the same river, using the same boats, and thus the toilsome difficulty of penetrating to the uncertain headwaters of the Arkansas and there constructing new boats was to be avoided. It was hoped that the party would be able to bring a complete collection of specimens from the upper courses of the Red. Later the Arkansas was to be explored in the same way.<sup>a</sup>

Below Natchitoches the expedition traversed the region of which Doctor Sibley had already given a general description,<sup>b</sup> based upon his travels during 1803 and 1804. The voyagers upon this occasion simply noted the scientific data afforded by the peculiarities of the river and its immediate banks, together with some observations upon the white and Indian settlements upon them. At Natchitoches they took on additional stores for Indian trade and received a reinforcement which brought their number up to 37. Above this town they began to encounter that peculiar river formation of logs, brush, and mud, to which the name of “raft” was given. On June 7 they encamped at the highest white settlement on the river, some 45 miles above Natchitoches. On the next day, while forcing their way through a small raft, they were overtaken by an Indian messenger from Doctor Sibley, who brought word that a Spanish force had left Nacogdoches, in Texas, for the purpose of intercepting

<sup>a</sup> The principal source used for the Freeman exploration is “An account of the Red River in Louisiana, Drawn up from the Returns of Messrs. Freeman and Custis to the War Office of the United States, Who Explored the Same, in the Year 1806. (Washington, 1806?)” This account is to be found in the Library of Congress, Miscellaneous Pamphlets, vol. 861, No. 8. The Library also contains a manuscript copy. A summary of the exploration, evidently based upon the above, is given in James’ Account of an Expedition from Pittsburg to the Rocky Mountains, etc., Philadelphia, 1823. Vol. II, pp. 303–314.

<sup>b</sup> Annals, 9th Congress, 2, 1088–1106.

them. Later in the day the Doctor himself arrived and held a consultation with the leaders of the party, after which they resumed their journey.

The country for some 6 or 8 miles on each side of the river was now intersected with lakes and bayous, forming marshes and swamps, through which a great part of the water of the river was dispersed. The main channel of the river was often choked with rafts, which became increasingly difficult to remove. On the 11th of June they reached the "Great Raft," through which for over fifty years no white or Indian vessel had penetrated. Upon the advice of their French guide they made a detour of about 100 miles, passing through bayous, creeks, small lakes, and swamps, where the navigation at all times was difficult on account of shoals, rapid currents, and rafts, and occasionally dangerous from the falling of decayed timber. Indian or French guides were equally useless for discovering the best way, and as a result fourteen days of valuable time passed before the explorers again floated upon the undivided channel of the Red, some 200 miles above Natchitoches. They felt gratified, however, in having passed the Great Raft, for the people below had laughed at the idea of their doing so with such boats.

Nineteen miles above the spot where they reentered the river lay the village of the Coashutta (Coashatta, Coashattay) Indians. These, with their neighbors, the Caddoes,<sup>a</sup> were agriculturists, and in a stage of culture comparable to that of the Cherokees. From Natchitoches Sibley had sent on an Indian guide, Talapoon by name, to invite the Caddoes to meet the party at the Coashutta village. As the explorers were proceeding thither Talapoon and a companion met them, bringing information that a party of 300 Spaniards were encamped a few miles back of the Caddo village, for the evident purpose of intercepting them. The officer commanding this party had asked the Caddo chief if he loved the Americans, and the chief had replied evasively that he loved all men and that the Spaniards must not spill blood on his land. The officer had departed without replying, and the perplexed chief had immediately dispatched the messenger to Freeman.

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<sup>a</sup> The shortened form for the Spanish "Caddadoches" and the French "Cadadoquious."

On the 26th of June they arrived at the Coashutta village and three days later formally presented its chief with an American flag in lieu of the Spanish standard with which he desired to celebrate the expected arrival of the Caddoes. On July 1 the Indian guests arrived and were received by the Americans with a salute and other formalities. This marked attention had its effect upon the savages, who were little accustomed to receive such deferential treatment. This effect was heightened by the skillful way in which Freeman explained the wishes of the President regarding the Indians and the difficulties he and his party had already encountered in carrying out that policy. His speech pleased the chief, who, in reply, dwelt upon the previous good relations of his people with the French and Spaniards and their determination never to shed the blood of white men. He was pleased with what he saw of the Americans and wished them to visit all the tribes along the river, at the same time especially commending his friends the Panis (Pawnees) and warning the explorers against the Osages. On his departure, the 3d of July, he promised to keep Freeman informed of the movements of the Spaniards and to forbid the latter to interfere with the Americans within a distance of 50 leagues above the ancient village of his people, some 300 leagues farther up the river. The Americans engaged three of the Caddoes to act as guides, spies, or messengers, and when these joined the Americans, on the 10th, they brought word that the Spaniards had retired to the Sabine, a palpable ruse pointing to an attack farther up the Red.

Leaving the Coashutta village on the 11th, they passed through a most inviting region extending to the mouth of the Little River, 162 miles above. On the 25th they reached a prairie, upon the borders of which was the site of a former Caddo village, and also, so their guides reported, of a French military post. Of the latter the explorers found no other trace than a few cedar posts. On the following day three Indian runners from the Caddo chief brought news that a force of Spaniards, estimated at 1,000, had entered their village, cut down the American flag, insulted their chief, and threatened to kill the Americans if they resisted their attempt to stop them. The Indians spoke of the Span-

ish leader as a "bad" man, and besought the Americans to return without encountering him. Upon Freeman's declaring that his instructions were to proceed until stopped by a superior force, the Indians chose to go with him, although they were certain they should not return alive.

On the following morning they made a "cache" of some of their provisions, ammunition, instruments, and most important field notes, and then proceeded on their voyage, taking precautions to avoid a surprise. At nightfall on the 28th shots were heard along the river above, and the next morning their Indian scouts reported the presence of a large force of Spaniards. They now proceeded cautiously with arms in readiness and with patrols moving ahead on each bank. The American force presently came upon a picket guard of some 22 Spaniards, who precipitately fled. Another turn of the river brought into view the Spanish camp, on a bluff, a half mile distant.

The Spanish force sent to intercept the Americans was under the command of Don Francisco Viana, adjutant and inspector of the internal provinces, who then commanded the garrison at Nacogdoches. A veteran of firm and unbending character,<sup>a</sup> he was eminently fitted for the task before him. Leaving Nacogdoches on the 12th of July, the force reached the Caddo village, as reported above, where they were greeted by the spectacle of an American flag flaunting a welcome to them. As the Indians were somewhat tardy in removing it, Viana ordered it to be cut down,<sup>b</sup> possibly as an object-lesson in the method he intended to adopt with the exploring force. In his determination to capture, kill, or drive back the Americans, Viana pressed forward rapidly, and now, at a point some 635 miles above the mouth of the Red River, he awaited his expected prey.

The exploring party halted for dinner at the usual hour, but during the somewhat hurried preparation for this meal they descried a large detachment of Spanish horse on the opposite bank, coming at full gallop toward them. The majority of the American force were ordered to take posi-

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<sup>a</sup> Coues, *Expeditions of Zebulon Montgomery Pike*, 710.

<sup>b</sup> Salcedo to Iturrigaray, August 25, 1806. (MSS. Bexar Archives.) Baltimore Telegraph and Daily Advertiser, October 8, 1806.

tion in the canebrake and bushes that lined the bluff, in readiness to fire with the sentinels below. Here concealed from the enemy and in a place inaccessible to cavalry, they were prepared to give the enemy a severe reception. In addition, a noncommissioned officer and 6 privates were so stationed as to be in the rear of the Spaniards when the latter crossed the river.

Through the water at full speed rode the Spaniards, and, disregarding the challenge of the sentinels, pressed on toward the boats drawn up on the beach. A second and more menacing warning caused them to halt and deploy in line, while their officers came forward to confer with Captain Sparks and Mr. Freeman. A parley of some three-quarters of an hour ensued. Viana stated that he had positive orders to stop the explorers and to fire upon them if they persisted in advancing before the limits of the two countries were defined. Freeman stated the instructions of the President to explore the river to its source, and requested the Spaniard to give in writing his reasons for objecting to the passage of his party. Viana refused to do this, but asserted upon his honor that he was acting under direct orders from his Government; and he peremptorily inquired when the Americans would begin their return journey.

It was evident that Freeman had met with the overwhelmingly superior force mentioned in his instructions. Moreover, the difficulties already experienced with their barges showed the impracticability of a farther ascent at this stage of the water. Nor was their supply of Indian presents adequate to procure enough horses from the Panis (Pawnees), 200 miles above, to transport their party to the mountains. To crown all, they were confronted by an overwhelming force, outnumbering their own five to one, and although their position and spirit might make the outcome of a battle doubtful, their leader bore definite instructions from President Jefferson to avoid open hostilities at all hazards. Accordingly, after consultation with his fellow-officers, Freeman replied that he would begin his retreat the following day. On the 30th the return movement began; on the 8th of August they were at the Coashutta village, and by the latter part of the month at Natchitoches.

Apparently President Jefferson's plan for the exploration of the Louisiana purchase had utterly failed. The net re-



sults of two years of careful planning and of fairly liberal Government expenditure were meager enough. Dunbar and Hunter had made a fairly complete scientific exploration of the Washita. Freeman had penetrated the Red some 600 miles, but this was barely as far as actual French occupation had extended and by no means equaled the French explorations of the preceding century. Freeman had also established cordial relations with two minor Indian tribes, but by almost immediately yielding to Viana's force he probably compromised in their eyes his Government's reputation.

To the President the result of Freeman's expedition, despite his attempt in his annual message to gloss it over and to persuade others that it strengthened our claim to the Red River,<sup>a</sup> must have been a bitter disappointment. He recommended a small annual appropriation for the purpose of continuing the exploration, and a committee of the House, of which Alston, of South Carolina, was chairman, indorsed the plan, but Congress itself took no action. The neutral-ground agreement between Wilkinson and Herrera<sup>b</sup> doubtless led to an abandonment of the Red as the scene of exploration; but for a time Jefferson cherished the plan of sending Freeman and Lieut. James B. Wilkinson up the Arkansas, in 1807, but afterwards abandoned even this.<sup>c</sup> Thirteen years were to pass before the United States Government sent its next formal expedition through any portion of the Louisiana Territory. Despite the failure of the main objects of frontier exploration and Indian negotiation, the reports of Dunbar and of Freeman indirectly stimulated the development of the whole Southwest, and in the course of a decade a hardy frontier population, unmindful of natural obstacles, of the territorial claims of the decaying Spanish power, or of the promises of the Government to its new allies, had occupied nearly the whole extent of the valley of the Washita and of the Red River as explored by Dunbar and Freeman in the years immediately following the acquisition of Louisiana.<sup>d</sup>

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<sup>a</sup> Ford, *Writings of Jefferson*, VIII, 492; Jefferson to Dearborn, June 22, 1807; *ib.*, IX, 86.

<sup>b</sup> McCaleb, *The Aaron Burr Conspiracy*, 149-153.

<sup>c</sup> Coates, *Expeditions of Zebulon Montgomery Pike*, 827, 835.

<sup>d</sup> For contemporary maps based upon these expeditions the reader is referred to "Documents Relating to the Louisiana Purchase" and to the maps accompanying the various editions of Pike's *Explorations*.

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IX.—THE CAMPAIGN OF 1824 IN NEW YORK.

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## THE CAMPAIGN OF 1824 IN NEW YORK.

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By C. H. RAMMELKAMP.

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The Presidential election of 1824 is usually stigmatized as a campaign of personalities and not principles. To a certain degree it is undoubtedly true that the scramble for the succession to Monroe did not involve any great national principles, but, nevertheless, during that campaign important developments were taking place—an old party was dissolving and new parties were crystallizing, the system of party management was undergoing a transformation, and a movement toward a more complete democracy was beginning. The campaign in the State of New York, besides possessing certain characteristics in common with the general campaign, derived from local issues and local conditions a special significance. As always, it was a vital question how New York would dispose of her armful of electoral votes. If all of her 36 votes could be “swung” in favor of one candidate there existed, so some politicians asserted, the possibility of keeping the election out of the House of Representatives. But in New York, as in the nation at large, political parties were in a state of confusion and the problem of uniting the vote of the State upon a single candidate involved insurmountable difficulties. The growing hostility in national politics to party dictation from Washington politicians found its counterpart in State politics in the revolt against the Albany Regency. The campaign of 1824 in New York is marked by the final establishment of the nominating convention and the origin of the movement that secured to the people the privilege of choosing the Presidential electors. Both movements were steps in the direction of a more complete democracy, and in both do we find some explanation of the origin of that Democratic tidal wave which swept the

country for Jackson in 1828. On its personal side, the campaign in New York was a contest between the two chief politicians of the State—De Witt Clinton, a candidate for the office of governor, and Martin Van Buren, who, although representing New York in the Federal Senate, really directed the campaign against Clinton. Van Buren and the Albany Regency exerted themselves to defeat Clinton and to save the State for Crawford. The friends of Clinton, although differing decidedly in their preferences for Presidential candidates, were united in their opposition to the Regency, and especially in their effort to change the electoral law of the State so that the people might vote directly for the Presidential electors.

In New York, as elsewhere, the campaign for the succession to Monroe began early, and naturally a question frequently asked was, Which candidate will the powerful political leader of the State, Senator Van Buren, support? As was usual with him, the junior Senator from New York was cautious and reticent; for a long time his intimate friends, and for a still longer time the general public, were uncertain for whose cause Van Buren's influence would be wielded. It might be surmised that the leader of the Albany Regency would support the candidate who received the regular caucus nomination, but of even that no one could be certain. For example, Monroe's Secretary of the Navy, Smith Thompson, remarked to Senator Rufus King early in February, 1823, "Van Buren keeps himself dark on this matter;"<sup>a</sup> but King himself apparently believed he had penetrated the darkness surrounding Van Buren, for he writes to his son, Charles King, February 26, 1823, "V. B. au fond is for Crawford."<sup>b</sup> For Crawford it was that Van Buren eventually declared himself. But it is interesting to note that upon the eve of this exciting political contest Van Buren had serious thoughts of withdrawing entirely from the arena of party politics to take a seat on the bench of the Supreme Court. Apparently he would have accepted the place made vacant by the death of Judge Brockholst Livingston had President Monroe

<sup>a</sup> *Life and Correspondence of Rufus King*, VI, 510; also Smith Thompson to Van Buren, March 17, 1823 (Van Buren MSS., Library of Congress).

<sup>b</sup> *Ibid.*, VI, 504. The Patriot (New York) charged as early as July 17, 1823, that Van Buren had made a deal with Crawford.

been favorably inclined to the appointment.<sup>a</sup> King, while he did not take an active part in the campaign, seems to have been early inclined to support Adams.<sup>b</sup> Two citizens of New York had aspirations for the Presidency, although it is exceedingly doubtful whether either of them could have secured many of the electoral votes of his own State. The ambitious De Witt Clinton, candidate of the Federalists in 1812, was hoping that there might be a chance in 1824;<sup>c</sup> in fact, some citizens of Ohio nominated him in 1823,<sup>d</sup> but Clinton, of course, never became a serious candidate, nor was the other aspirant from New York, Smith Thompson, ever an important competitor.<sup>e</sup>

Although Van Buren and his friends in the Albany Regency were, without doubt, disposed to support Crawford, they did not at once avow their preference and openly conduct a campaign for their favorite candidate. During the months preceding the meeting of the Congressional caucus the Regency party in New York conducted a campaign not for Crawford, if one might believe its public assertions, but simply for adherence to the "regular nomination" that might be made by the Washington caucus. The mouth-piece of the Van Buren party in the State was, of course, the Albany "Argus," and this "inspired" and influential paper, of which the well-known "journalist-politician," Edwin Croswell, had become an editor, did not in the year preceding the Presidential election openly advocate the candidacy of Crawford; on the contrary, as regards the rival candidates, it pursued, nominally, a noncommittal policy. "Premature committals are to be deprecated,"<sup>a</sup> and to one who did not read between the lines the only wish of the "Argus" was that

<sup>a</sup> Life and Correspondence of Rufus King, VI, 522; Reminiscences of J. A. Hamilton, 61, 62. King urged the President to appoint Van Buren.

<sup>b</sup> E. g., King was disinclined to "continuing the Presidency in the slave section." (Life and Correspondence, VI, 508.)

<sup>c</sup> Clinton Letters, in Harper's Monthly Magazine, L, 417, 567, 568.

<sup>d</sup> Proceedings in New York Statesman, January 7, 1824.

<sup>e</sup> Van Buren urged Thompson to aim no higher than the Vice-Presidency or the Supreme Court (see, e. g., Life and Correspondence of Rufus King, VI, 511). Thompson himself thought that if the Republicans of New York would favor him his prospects would be very fair, and accordingly suggested to Van Buren the advisability of some declaration from New York in favor of his candidacy. (Smith Thompson to Van Buren, March 17, 1824; Van Buren MSS., Library of Congress.) Clinton wrote, on January 8, 1823: "Van Buren himself has an eye to the Presidency." (Clinton Letters, in Harpers' Monthly Magazine, L, 568.)

the Republican party should be kept together, and this was to be accomplished by unswerving adherence to the established system of Congressional nomination of Presidential candidates. To oppose caucus nominations is a Federalist trick; the vote of New York must be united upon one candidate, and in order to insure such a result the "Argus" hopes that "the salutary precedent of caucus nominations will be preserved," and it promises that the Republican party of New York "will give its undivided and effectual support to the candidate regularly nominated by the Republicans of the Union in Congressional caucus."<sup>a</sup> It is upon the string of regular nominations that the "Argus" is thus continually harping. "Regular nominations are the strength and power of the party, and we are persuaded that they will always be preferred to the chances of doubtful and untried experiments."<sup>b</sup>

But it was difficult for the "Argus" to hide the fact that adherence to regular nominations implied the support of Crawford and that it itself favored the candidate from Georgia. Remarks far from complimentary were constantly being made about Mr. Crawford, and the influential Albany newspaper could not refrain from occasionally repelling these, although in doing so the paper pretended to present, not its own views, but simply those of the friends of Crawford.<sup>c</sup> If the resolutions of the State legislature were any indication of the public sentiment of the State, the friends of the Congressional caucus might, perhaps, look to New York for an indorsement of the caucus candidate, for already twice, in 1822 and 1823, had the Republican members of the legislature declared that they would support the regular caucus nominations.<sup>d</sup> The resolution of 1823, prepared under the direct supervision of Senator Van Buren,<sup>e</sup> insisted that the "practice of making nominations for the office of President by the individual States" destroyed party har-

<sup>a</sup> Argus, March 25, 1823.

<sup>b</sup> Argus, March 25, May 13, June 17, July 8, September 5, November 14, December 17, 1823.

<sup>c</sup> E. g., Argus, April 22, September 16, 1823.

<sup>d</sup> Argus, December 2, 1822; April 25, 1823. The legislature had also formally refused to indorse the resolutions of Tennessee against the caucus system. (Journal of Senate, 1824, 13, 17, 28, 55; Journal of Assembly, 1824, 153, 168.)

<sup>e</sup> Life and Correspondence of Rufus King, VI, 527.

mony, and that a nomination by Congressional caucus, although objections might be made against it, was on the whole the best method.

In spite of the fact that the fall campaign of 1823 gave the people of New York, as the law then existed, their final opportunity to vote on the Presidential question, the voters did not question the candidates for the State legislature as to their Presidential preferences. The "Argus," as just explained, exerted itself to keep the Presidential question, as far as it related to candidates, in the background; but, on the other hand, the New York American, which had already announced itself in favor of Adams, emphasized the necessity of introducing the Presidential question into the State campaign of 1823.<sup>a</sup> Unanimity as regards the best candidate of the Republican party would evidently be impossible, and therefore the "American" thought the question ought to be discussed. Would not the men elected to the State legislature that fall choose the Presidential electors, and was it therefore not of the highest importance to inquire which aspirant for the Presidency the candidates for the legislature favored? It was a most pertinent question, but the voters do not appear to have been anxious to ask it.

Undoubtedly one reason why the Presidential question was not more strenuously agitated in the State campaign of 1823 was the hope that the law regulating the choice of Presidential electors would be repealed.<sup>b</sup> The repeal of the State electoral law became, in fact, one of the most important issues of the campaign of 1824 in New York. For over thirty years the members of the State legislature had been choosing the Presidential electors. This important privilege the legislature had generously granted to itself in 1792. The privilege had been originally assumed, if the preamble of the law is trustworthy, not because the legislature indorsed the general idea that Presidential electors ought to be chosen by State legislatures, but because there was not sufficient time prior to

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<sup>a</sup> New York American, March 15, 1823.

<sup>b</sup> This hope is well illustrated in the New York Statesman, September 11, 1823: "We are compelled to believe that, as the people will have an opportunity to express their sentiments on the Presidential question by the choice of electors in the autumn of 1824, it would be better to ask no pledges in relation to that subject at present."



the election of 1792 to make arrangements for a popular choice of electors.<sup>a</sup>

Power once enjoyed is not apt to be willingly and cheerfully resigned. Although at various times the repeal of the law was suggested, down to 1823 no widespread popular objection to the legislative choice of Presidential electors seems to have manifested itself, but in the latter year a movement began which led ultimately to the repeal of the old electoral law and placed in the hands of the people this important privilege. The agitation for repeal was started especially by the opponents of Crawford, who feared that if the choice of electors remained with the legislature that body would be controlled in the interest of this candidate by the Albany Regency. It is, of course, not surprising that the demand for a repeal of the old electoral law should win pronounced popular support, nor is it strange that the politicians of the Regency ranged themselves against the movement, for although they soon must have realized that they were taking an unpopular position, they nevertheless instinctively felt that the success of the agitation boded ill not only to the cause of Crawford, but also to their own power.<sup>b</sup> Two hundred and sixty thousand voters could not be so easily managed as 160 members of the State legislature. The Albany junto, as events were to demonstrate, made a grave mistake in opposing the repeal of the electoral law, for while Van Buren's political agents did indeed prevent an immediate change in the method of choosing the Presidential electors, their success did not save the State for their favorite candidate, but it did demolish their own power in State politics. But who could expect even Regency politicians to be unerring prophets. They acted as self-interest and the demands of the moment seemed to dictate.

For a long time the leaders of the Regency party refused to attach any serious importance to the movement. In June, 1823, shortly after the New York "Patriot" had opened the campaign for a repeal of the law, the "Argus" insisted that

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<sup>a</sup> Laws of New York, 1788-1792, II, 481, 482.

<sup>b</sup> Some members of the party did, indeed, favor the reform, but the leaders were against it. For example, at a meeting of Republicans in Albany a motion was made to indorse the popular election of electors, but through the efforts of Van Buren's friends, Marcy and Butler, the motion was virtually defeated. (New York Patriot, October 27, 1823.)

"of the proposed change in the mode of choosing electors of President in this State there is not a solitary indication that the people demand it or are prepared for it;"<sup>a</sup> but as the campaign of 1823 progressed and the next year advanced the absurdity of such an opinion became constantly more evident. It will be unnecessary to state at length the arguments which each side advanced to substantiate its position. Why should a law established by the "wise forefathers" of the State and tested in many a Presidential election be changed? Those anxious for the welfare of the State were asked to consider the excitement that would undoubtedly disgrace the campaigns if the people were allowed to choose the electors. Besides, there existed also the grave danger, if the law were changed, that the vote of New York might be divided—on the gratuitous assumption, of course, that the district system of voting must be adopted.

After all, the whole movement was merely a scheme to advance the interests of De Witt Clinton for the Presidency.<sup>b</sup> It was easy for the friends of repeal, who included Bucktails as well as Clintonians, to reply to these arguments and to advance positive reasons of their own. The members of the legislature, which selects the electors, are elected a whole year before the Presidential election occurs; they "are during that period exposed to the arts of seduction and to the influence of unprincipled politicians." State senators were in some cases elected even years before the Presidential election. Under such circumstances, how could the legislature truly represent popular sentiment with regard to the Presidential candidates? The danger of a division of the electoral votes among several candidates might easily be obviated by the use of a general ticket.<sup>c</sup> This question thus became the most important issue in 1823

<sup>a</sup> Argus, June 27, 1823; but the private expressions of opinion were not so confident. Marcy writes to Van Buren, December 14, 1823: "If they could have it as they wish they would not change the existing mode, but some timid men who wish well to the Democratic party are apprehensive that the current of public opinion seems so strong that it can not be resisted, but will overwhelm all that attempt it." (Van Buren MSS., Library of Congress.)

<sup>b</sup> Argus, July 8, December 23, 1823.

<sup>c</sup> For the arguments used by the friends of repeal, see e. g., New York American, July 28, October 8; New York Patriot, June 19, 21, 27, July 3, 14, August 6, September 17, 18, 22, October 1; Albany Daily Advertiser, September 16, 18, 26; New York Statesman, June 27, 30, 1823.

relating to the campaign of 1824.<sup>a</sup> Notwithstanding the persistency of the "regular" leaders in closing their eyes (at least in public) to the importance of the movement, it was bound to find favor among the people. Most of the newspapers of the State (except those that took their cue from the "Argus") supported the movement, and many ward and county conventions throughout the State passed resolutions pledging their support only to such candidates for the legislature as favored the popular choice of electors.<sup>b</sup>

The agitation found especially strong support in the city of New York. The nominating committee of Tammany Hall had prepared a list of candidates for the legislature, but at a general meeting to consider the report of this committee determined opposition to most of the candidates manifested itself, because people suspected their attitude on the electoral question. Very tumultuous proceedings characterized the meeting. A large portion of those present refused to indorse the nominations of the committee and resolved to support another set of candidates known to be in favor of a repeal of the electoral law.<sup>c</sup> The party which thus sprang into existence in this campaign called itself the "People's Party." In those districts of the State where the "regular" candidates were known to favor the proposed change there was, as a rule, no opposition, but in other districts "People's" candidates were presented.<sup>d</sup>

Conflicting claims were made regarding the results of the election of 1823; both the Regency and the People's Party rejoiced in a victory. After the returns of the election had been received, the "Argus" claimed that 94 out of 128 "regular" Republicans had been returned to the assembly, but Calhoun's paper, the New York "Patriot," was certain that "Martin Van Buren will go to Washington with a

<sup>a</sup> De Witt Clinton writes that the objects of the campaign of 1823 must be "to take ground against a legislative appointment of electors and to discountenance a Congressional caucus. (MSS. Letters, September 14, 1823.) It is somewhat surprising that the private papers of De Witt Clinton do not contain more references to the issues connected with the campaign of 1824 in New York, in which he himself figured so prominently.

<sup>b</sup> E. g., New York Patriot, October 8, 27; New York American, October 2, 3, 4, 8, 20, 22, 28, 30; Albany Daily Advertiser, October 15, 28, 29, 1823.

<sup>c</sup> New York Statesman, October 23, 26; New York Patriot, October 29, 31, 1823.

<sup>d</sup> Argus, October 31, 1823: "In almost every county of the State a People's ticket has been obtruded upon the electors."

fallen countenance and heavy heart.”<sup>a</sup> The fact that in many cases the “regular” candidates had given pledges to support the repeal complicated the difficulty of deciding which side had won, but it is probable that a majority of the newly elected members favored a change. As regards the bearing of the election upon the question of the Presidential contest, the friends of nearly all the candidates seemed to draw hope from the results. Crawford’s organ, the Richmond “Enquirer,” felt sure that “New York is safe;” that the “next legislature will have a decided majority of the friends of W. H. Crawford;”<sup>b</sup> the New York “Patriot” was equally convinced, after the election, that “the State of New York is for John C. Calhoun for President of the United States;”<sup>c</sup> while the New York “American” thought that the election of 1823 was a victory for Adams, “that not 30 members of the assembly out of 128 prefer Mr. Crawford;”<sup>d</sup> that the result as far as it indicated the preference of New York for a Presidential candidate was extremely doubtful is obvious; confident in the hope that they themselves would vote for the electors in 1824, the people had not asked the legislative candidates whom they favored for President.

The State legislature which met in January, 1824, had before it important problems and, as events proved, an exciting session. The political complexion of the body reflected the general political conditions—parties were not clearly defined; even those members who had been elected as People’s Party men did not refuse to meet in caucus with the “regular” Republicans.<sup>e</sup> The People’s Party did, indeed, make an attempt to elect its own speaker but was unsuccessful. Was the legislature ready to take action on the electoral law? The Regency politicians, now somewhat distracted by the popular demand for a change in the law, were at a loss what to do. Marcy wrote confidentially, January 11, 1824:

If it were not for the embarrassing question of the electoral law we should be in the best possible condition here. The members are dis-

<sup>a</sup> Argus, November 25; New York Patriot, November 24, 1823.

<sup>b</sup> Quoted in New York American, November 22, 1823.

<sup>c</sup> New York Patriot, November 22, 1823.

<sup>d</sup> New York American, November 24, 1823.

<sup>e</sup> Hammond, J., Political History of New York, II, 139. No one can write on this period of the political history of New York without feeling indebted to Hammond, who has blazed the way through the politics of the period.

tracted in their views in relation to that measure. I believe all Republicans have serious apprehensions as to the consequences, if the mode is changed, but they think there is a demand for it by the great body of the people and that a refusal to yield to this demand jeopardizes their popularity and exposes the party to an overthrow.<sup>a</sup>

People awaited with great curiosity the message of Governor Yates; the friends of the cause naturally hoped that he would take a bold stand in favor of repealing the old law and they expected that a frank expression in favor of the popular choice of electors would have an important influence upon the legislature.<sup>b</sup> Just what attitude the governor would assume, hardly anybody could tell, and in fact his policy was vacillating. The politicians pointed out to him that he could render a great service to the Republican cause by urging the legislature to keep the choice of presidential electors in its own hands. The bait dangled before Yates to induce him to adopt this course was the Vice-Presidency.<sup>c</sup> It is perhaps not surprising, therefore, that the governor's message did not meet the question fairly and squarely. He did indeed express the opinion that the manner of choosing electors ought to be made uniform throughout the United States by means of an amendment to the Federal Constitution; so confident was the governor that some action in this direction would be taken that he told the legislature it would shortly have an opportunity "to sanction an amendment not only establishing a uniform rule in the choice of electors but also securing the desirable object of directing such choice to be made by the people."<sup>d</sup> But an immediate change of the law in New York, Yates did not recommend.

At the very first day of the session, even before the message of the governor had been received, the electoral question came up. Mr. Wheaton, the United States Supreme Court reporter, who had been returned as a People's Party man from the city of New York, gave notice of his intention to introduce a bill giving the people the privilege of choosing the electors, while Azariah C. Flagg, who represented the Regency Party, at once moved that the whole question be

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<sup>a</sup> Van Buren MSS., Library of Congress.

<sup>b</sup> E. g., *New York Patriot*, September 17, 18, 22; *Albany Daily Advertiser*, January 17, 1824.

<sup>c</sup> *Life and Correspondence of Rufus King*, VI, 540, 546.

<sup>d</sup> *Journal of Assembly*, 1824, 13; message criticized in *Statesman*, January 13, 1824.

referred to a special committee of nine.<sup>a</sup> The next day, after a debate in which no one dared absolutely to oppose the reform, but several argued in favor of referring the subject to the select committee, Flagg's resolution was passed by a substantial majority.<sup>b</sup> The proceedings of the committee showed that a majority of its members, who were probably Crawford men,<sup>c</sup> while not daring openly to refuse the popular demands, were determined to qualify their concession in such a manner that a popular choice in the approaching Presidential election would be impossible.<sup>d</sup> By reporting a bill making a majority vote necessary for the choice of electors the committee virtually annulled the proposed concession, for, in view of the number of Presidential candidates in the field, it was exceedingly improbable that the electors of any candidate would receive a majority of the votes.<sup>e</sup> Although not stated in the bill reported to the assembly, the purpose of the committee obviously was to permit the legislature to make the selection in case no set of electors received a majority of the votes. An attempt to make a plurality of votes sufficient for a choice was voted down, and the bill, as finally passed, provided for a popular choice of electors, but with no provision to regulate the course of action should no set of electors receive a majority.<sup>f</sup> It is surprising that an assembly which probably contained a large proportion of anti-Crawford men should, by an almost unanimous vote,<sup>g</sup> have consented to such a bill. The explanation offered by Mr. Hammond is that the friends of Clay and Adams feared that if the plurality principle were adopted De Witt Clinton would be brought forward as a candidate and that, owing to the division existing in the Republican party, "electors favorable to him would obtain a plurality of the votes of the people."<sup>h</sup> The bill was en-

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<sup>a</sup> Journal of Assembly, 1824, 7.

<sup>b</sup> Ibid., 1824, 17. Vote stood 76 to 47.

<sup>c</sup> Hammond, J., *Political History of New York*, II, 144.

<sup>d</sup> Proceedings of committee, in *Albany Daily Advertiser*, January 14, 10, 1824.

<sup>e</sup> Statesman called the report of the committee "a barefaced attempt to prevent the people from the full exercise of the right of suffrage," January 27, 1824.

<sup>f</sup> Journal of Assembly, 1824, 291, 297, 298.

<sup>g</sup> Vote stood 110 to 5.

<sup>h</sup> Same opinion is implied in Clay, H., *Private Correspondence*, 89; also Marcy to Van Buren, January 11, 1824. (Van Buren MSS., Library of Congress.)

tirely unsatisfactory, and the members must have realized that they had not provided for a very probable contingency.<sup>a</sup>

The senate, with its decided Crawford majority, could hardly be expected to jeopardize the chances of its favorite candidate by allowing the people to choose the electors, and Marcy was confident that it would not consent to a change.

We rely upon the senate. To their credit it must be acknowledged they are not insensible to our danger. \* \* \* I believe they will not recoil, yet it has required much to prepare them to come up to the charge.

The senate committee to which the assembly bill was referred evinced no desire to expedite a consideration of the measure by making an early report,<sup>b</sup> and when the committee did finally report it concluded that it would be inexpedient to pass the assembly bill, at least not until the efforts being made in Congress "to establish a uniform rule of appointment, by an amendment of the Constitution of the United States," have either terminated in the adoption or rejection of such amendment by that body.<sup>c</sup> The senate did not have the courage of its convictions. Undoubtedly it desired entirely to reject the proposed change, but on account of the strong public opinion existing in favor of the proposition, it hesitated and vacillated. A resolution, for example, which contrary to the report of the committee declared that it was expedient to pass at that session a law conceding to the people the privilege of choosing the Presidential electors, passed the Senate,<sup>d</sup> but the promise was not fulfilled, for a short time later, by a vote of 17 to 14, the senate decided to postpone the whole question until the following November.<sup>e</sup>

<sup>a</sup> Possibly the assembly desired to throw upon the senate the burden of rejecting the popular request. (See speech of Wheaton, in Albany Daily Advertiser, April 29, 1824.)

<sup>b</sup> Resolution calling for a report was negatived by a vote of 21 to 9. (Senate Journal, 1824, 91, 139.)

<sup>c</sup> Journal of Senate, 1824, 155-163. This report was a rather shrewd argument in favor of keeping the appointment of the electors in the control of the legislature. The committee naturally had a sublime confidence in the virtue of the legislature "To entertain serious apprehensions that the citizens who compose the legislature and to whom, as lawmakers, the dearest interests of the State are committed, would be unfaithful to the trust reposed in them in relation to the appointment of electors, is to suppose the prevalence of political depravity to a degree incompatible with the security of freedom and equaled only in the most corrupt governments which ever existed."

<sup>d</sup> By a vote of 16 to 15. (Journal of Senate, 1824, 253, 254.)

<sup>e</sup> Ibid., 1824, p. 254.

Postponement meant virtual rejection, and as soon as the result of the senatorial deliberations became known the strongest public indignation manifested itself. The members of the legislature, especially the 17 senators who had voted against the change were violently denounced; newspapers printed the names of the 17 "conspirators" in bold black type or within a black border; in public places, especially in the western part of the State, their names were "hung up in black as a memorial of political turpitude."<sup>a</sup>

The failure of the legislature to pass the bill had created a political crisis; the State, many declared, had been sold out to Crawford.<sup>b</sup> The leaders of the Crawford interest in New York apparently believed they had won an important victory, but, as events proved, the legislature had not been won, for the Secretary of the Treasury and the managers had made a grave political mistake.<sup>c</sup>

Nor was the failure to act on the electoral law their only mistake, for their next move in the political game resurrected a politician who led the forces against them in the fall of 1824. De Witt Clinton, at the beginning of 1824, was politically dead. With the adoption of a new State constitution and the inauguration of a new administration, Clinton had apparently withdrawn from active political life; so strongly convinced were his friends that he could not be re-elected governor in 1822 that they had persuaded him not even to offer himself for reelection.<sup>d</sup> Under such circumstances was it that the Regency leaders in the very last moments of the session "sprang upon" the legislature a resolution for the removal of Clinton from the canal commission.<sup>e</sup> The resolution for removal, supposedly a shrewd move, was designed to embarrass the People's Party by creating for it a dilemma. If the adherents of the People's Party voted against the removal they would bring down upon their heads the odium of the faction opposed to Clinton—for example, the strong Tammany Hall wing of the Demo-

<sup>a</sup> Albany Daily Advertiser, April 8, 20; Statesman, April 13, 1824.

<sup>b</sup> New York American, March 12; Albany Daily Advertiser, March 20, 1824.

<sup>c</sup> See, e. g., Life and Correspondence of Rufus King, VI, 558; Weed, T., Autobiography, 108; New York American, March 19, 1824. The Argus admitted in 1825 (November 30) that a mistake had been made.

<sup>d</sup> Hammond, J., Political History of New York, II, 97-99.

<sup>e</sup> Journal of Senate, 1824, 468, 469. For evidence of the preconcerted plans which prompted this move, see Weed, T., Autobiography, 109.



cratic party; on the other hand, if they voted for the resolution they would manifestly lose the support of the Clintonians, who had been acting with them on the electoral law.

It was also hoped that the resolution would embarrass those who were acting together against the Regency on the Presidential question.<sup>a</sup> The opponents of the Regency in the legislature chose the anti-Clinton horn of the dilemma, so that the resolution to remove Clinton passed in the senate almost unanimously and in the assembly by a majority of 30.<sup>b</sup> The removal of Clinton, like the opposition to the electoral law, in the end did not strengthen, but weakened the Regency party, as prominent leaders of the party later frankly acknowledged. It was a most impolitic act.<sup>c</sup> Popular feeling was not slow in showing itself. The tide which for several years had been running against Clinton now turned in his favor. Several members who had voted for the resolution were hissed as they came out of the capitol. "The members of the legislature had scarcely left their seats before they were occupied by the citizens of Albany," who assembled to protest.<sup>d</sup> In New York City a large open-air meeting denounced the removal as "an act degrading to the character of the State, a violation of justice, and an outrage on public opinion."<sup>e</sup> As one proceeded west of Albany into the region that especially appreciated the efforts of Clinton in developing the canal policy of the State, "the storm raged against members who had voted for the removal of Clinton with greater and still greater fury."<sup>f</sup> It was in

<sup>a</sup> Weed, T., *Autobiography*, 110, 111; *Life and Correspondence of Rufus King*, VI, 564; *New York American*, April 15; *Statesman*, April 20, 1824.

<sup>b</sup> *Journal of Senate*, 1824, 409; *Journal of Assembly*, 1824, 1136. Wheaton wrote to King: "This was a contrivance of the faction to fix on us the imputation of partiality to him (i. e., Clinton). They believed we should vote against it, but they were much mortified to find that the most conspicuous members on our side of the house voted for the resolution." (*Life and Correspondence of Rufus King*, VI, 564.) It will be noted especially that while the motion originated with the Regency leaders it had the support of many of the opponents of the Regency. (See also letter of Clinton, in *Harper's Monthly Magazine*, L., 566.)

<sup>c</sup> See, e. g., speech of Benjamin F. Butler in the assembly in 1828, admitting that the removal of Clinton "was one of the causes which provoked that tempest of popular indignation which in 1824 swept all before." (*Argus*, March 4, 1828.)

<sup>d</sup> Weed, T., *Autobiography*, 112; *Albany Daily Advertiser*, April 19, 1824.

<sup>e</sup> *New York Daily Advertiser*, April 19; *Statesman*, April 23, 1824.

<sup>f</sup> Weed, T., *Autobiography*, 114. The manuscript letters of Clinton for this period contain many letters from private individuals and formal meetings protesting against his removal. (See also *Life and Correspondence of Rufus King*, VI, 567, 568; *Statesman*, May 8, 18; *New York Daily Advertiser*, April 15, 1824.)

large measure the popular indignation over this wanton, unjustifiable political maneuver of the Regency party that restored De Witt Clinton to political life in 1824.

While the New York legislature was in session the Congressional caucus had been held. Although a meeting of the Republican members of the legislature had passed resolutions requesting the Senators and Representatives from New York to attend the Washington caucus,<sup>a</sup> neither these resolutions nor the persuasive arguments of Van Buren could induce even one-half of the New York delegation to attend. But by the middle of February the "regular" nomination had, of course, been made, and no longer was it necessary for the "Argus" and the Regency to conceal their preference for Crawford. Republicans of New York were now called upon to stand by their colors and show their loyalty. Before the legislature adjourned, the Regency party had also nominated its candidate for the office of governor. Yates expected a renomination, but the legislative caucus, apparently fearing that he would not "draw votes," abandoned him and selected Col. Samuel Young.<sup>b</sup>

The public indignation over the failure of the legislature to pass the electoral bill had meanwhile not abated, and a hope still existed that the reform might be accomplished. In various parts of the State, in public meetings, in the columns of newspapers, in private letters from prominent men to the governor, the demand went forth for an extra session of the legislature.<sup>c</sup> Yates, at first hesitating, but at length convinced of the strength of the public demand and nerved by a taunt from Attorney-General Tallcot, a Regency politician, issued a call for an extra session. The proclamation of the governor, favorably received by the people generally, was greeted with scornful reproaches by his former political friends. Why had he issued the proclamation? In response to the unmistakable, universal demand of public opinion, said the friends of reform; because he was disappointed over his failure to secure a renomination for the office of governor, said the members of the Regency.

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<sup>a</sup> *Argus*, January 20, 1824.

<sup>b</sup> *Statesman*, April 6, 1824. Young had been opposed to Crawford.

<sup>c</sup> Weed, T., *Autobiography*, 114, 115.

Governor Yates has complied with the wishes of every honest man of the community; he has come forth in behalf of the liberties of man; he has shaken off the vile faction that hung upon him like an incubus, and given a death blow to the demagogues who have bartered the votes of New York at the shambles in Washington.<sup>a</sup>

That was the spirit in which one of the leading anti-Regency papers greeted the proclamation. On the other hand, the men who had refused to renominate Yates in the legislative caucus maintained that until the nomination of Young, Yates had approved the action of the Senate on the electoral bill, and that his proclamation was simply a shot from a gun loaded with personal chagrin and envy.<sup>b</sup> The reasons publicly given by the governor in the proclamation itself and the message to the legislature were that his confident hope that an amendment would be added to the Federal Constitution securing the right to the people had been disappointed, and since the legislature had adjourned without taking action, he was convinced that the people of the State were "much excited and alarmed that their undoubted right to choose electors is still to be withheld from them."<sup>c</sup>

With the keenest interest did people await the approaching extra session, many believing that under the circumstances the legislature would not dare refuse to adopt the governor's recommendations. In spite of the slow methods of travel, crowds hastened to Albany to watch the proceedings of the legislature. A correspondent writes his paper in New York City that visitors were thronging into the capital "from all points of the compass and from all sects in politics." The steamboats from New York City in the course of some three days landed "from 1,000 to 2,000 passengers, and loaded stages and vehicles have been for the same time and are still pouring in from all quarters. All the public houses are overrun, vast numbers are quartered upon private families, and many, being unable to obtain lodgings on any terms, were compelled to take stages for Troy."<sup>d</sup>

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<sup>a</sup> Albany Daily Advertiser, June 4, 1824.

<sup>b</sup> E. g., Argus, June 4, 16, July 23, 30, August 3, 1824.

<sup>c</sup> Journal of Assembly, 1824, 1145-1149.

<sup>d</sup> Statesman, August 6: see also Albany Daily Advertiser, August 2, 3, 1824.

When the legislature met on August 3 the galleries and lobbies were crowded to overflowing. Again the party that was endeavoring to check the movement did not dare meet the question squarely by arguing against the principle of a popular choice of electors. On the contrary, the opponents of a new electoral law hid their real motives behind the pretext that the call for an extra session was unconstitutional,<sup>a</sup> and therefore they moved that the legislature should immediately adjourn. Azariah C. Flagg, the same member of the assembly who had acted as chairman of the committee of nine, now urged that the house should adjourn without taking any action, "without bearing upon its records, aught else than the simple fact that it had met on this extraordinary occasion, heard the message of the governor, and adjourned."<sup>b</sup> However, Mr. Flagg's simple, ideal scheme had to be somewhat modified, for the assembly insisted upon debating the question. Tallmadge and Wheaton, the champions of popular rights during the debates of the preceding winter, again led the discussions for a reform of the State's electoral methods. While the debate was proceeding in the assembly a resolution was received from the senate. That body, acting more expeditiously and decisively, had passed by a very large majority the second day of the session a motion declaring the call of the legislature unconstitutional and demanding an immediate adjournment.<sup>c</sup> But the assembly, unwilling to accept this resolution from the senate, similar to the one introduced into the house by Flagg, passed a motion declaring it expedient to enact a law at that session giving the choice of electors to the people.<sup>d</sup> But the senate could not be moved. Its presiding officer, Erastus Root, the caucus nominee for lieutenant-governor, on a point of order, refused to entertain the resolution from the assembly. The senate having decided that the call of the legislature was unconstitutional, it would be out of order to proceed with any business whatever.<sup>e</sup> The senate sustained the ruling of

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<sup>a</sup> I. e., on the ground that it was not one of the "extraordinary occasions" contemplated by the constitution as justifying an extra session.

<sup>b</sup> Journal of Assembly, 1824, 1149.

<sup>c</sup> Journal of Senate, 1824, 420.

<sup>d</sup> Journal of Assembly, 1824, 1155.

<sup>e</sup> Journal of Senate, 1824, 422.

its presiding officer and the house then also consented to adjourn.

Even an extra session of the legislature and the recommendations of the governor had failed to break the determination of the friends of Crawford to keep the appointment of the electors in the control of the legislature. The last chance of changing the electoral law had now been lost; the voters would have no opportunity in the approaching Presidential campaign to determine to which candidate the vote of New York should be given, except in so far as their votes for the State candidates might exert a moral influence upon the old legislature.

One of the most significant developments of the State campaign was, of course, the meeting of the Utica convention, which established the nominating convention system in State politics.<sup>a</sup> The Utica convention was, in a certain sense, an outgrowth of the movement for a popular choice of Presidential electors, since the refusal of the Regency or "caucus" party to change the electoral law intensified the opposition to the legislative caucus; this refusal brought the growing hostility of the people to dictation of State nominations from Albany to a culmination. From several quarters suggestions had come that a convention to nominate candidates for the offices of governor and lieutenant-governor ought to be held. The "New York Statesman" thought the 4th of July a very suitable date on which to hold the convention, for then a sort of second Declaration of Independence might be issued.

The first Declaration broke the chains of bondage and freed the people of this country from the tyranny of George III. The second would free the people of New York from slavish bondage to King Caucus and give efficiency to the popular will.<sup>b</sup>

Those members of the State legislature, who, favoring a change in the electoral law had refused to attend the caucus

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<sup>a</sup> Some earlier attempts to establish the convention system ought to be noted—e. g., a movement was started by Tammany Hall in 1812 for a State convention, but it failed; in 1814 a convention was held, not for nominating candidates but for determining a party policy; in 1817 a mixed convention, composed of both members of the legislature and delegates, was held. (Hammond, J., *Political History of New York*, I, 354, 438-439; Dallinger, F. W., *Nominations for Elective Office*, 28.)

<sup>b</sup> *Statesman*, April 6, 1824; also *New York American*, March 19, 22, 1824.

which nominated Young and Root, held a meeting early in April and issued a call for a State convention to be held at Utica in the following September. The Utica convention was a natural and logical development of the movement represented by the new State constitution, which had broadened the suffrage and extended popular control over the State government by greatly increasing the number of elective officers. This change had proved most salutary, and a nominating convention would simply widen still further the extent of popular control.

There is a striking difference in principle [the anticaucus men declared] between a meeting of the members of the legislature for the purpose of nominating candidates for offices elective by the people and a convention of delegates specially chosen by the latter for the purpose of making these nominations. The former has too much the appearance of a usurpation of the rights of the people and is a mode of proceeding liable to great abuses, while the latter is capable of being easily controlled by the people themselves.<sup>a</sup>

Later experience possibly has made us skeptical about the virtues of the nominating convention; perhaps, after all, the politicians dictate as much now as they did in the old days of the legislative caucus. Yet the nominating convention was undoubtedly more democratic than the system which it displaced.

To this convention, which thus marks a new departure in the political methods of the State, each county was to send delegates equal in number to its representation in the assembly.<sup>b</sup> It seems that in most cases 'primary assemblies held in the towns sent representatives to a county convention, which selected the delegates to the State convention,<sup>c</sup> and when the latter met in September all the counties of the State but four<sup>d</sup> were represented. Although the result of a popular, spontaneous movement, the Utica convention was by no means free from internal discord; like many a subsequent New York convention, this early one had its "bolters." While well united in their opposition to

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<sup>a</sup> Albany Daily Advertiser, April 13, 1824.

<sup>b</sup> Ibid., April 13, 1824.

<sup>c</sup> E. g., see Ibid., June 12, August 16, September 8, 14; New York American, July 12, 14, 21, 1824.

<sup>d</sup> Cataraugus, Allegany, Broome, and Franklin. (Albany Daily "Advertiser," September 23, 1824.)

the Albany Regency and in their demand for a change in the electoral law, the members of the convention were far from united in their views as to the most suitable candidate for the office of governor. While a substantial majority of the delegates undoubtedly from the beginning favored the nomination of De Witt Clinton, the opposition to him, although small in numbers, was most determined in spirit, the leader of the anti-Clinton faction in the convention being Wheaton, the very man who had so valiantly fought for a new electoral law in the debates of the assembly.<sup>a</sup> When Clinton was finally nominated, Wheaton and his political friends, to the number of about 20, unalterably opposed to the candidate selected, withdrew from the convention. Tallmadge, selected as the candidate for the office of lieutenant-governor, it is interesting to recall, had voted for the resolution removing Clinton from the canal commission.<sup>b</sup> The convention besides passing resolutions condemning nominations by a legislative caucus and favoring the popular election of justices of the peace, appointed a "corresponding committee," or what we should call a campaign committee. It also issued an address, the prototype of the party platform. The address of the convention, it must be confessed, was not a very strong document; it appeals for concerted action to "prostrate the Albany Regency and break down the caucus system," but its personalities and "mud slinging" at the Regency candidates were far from dignified.<sup>c</sup>

New York has witnessed many exciting political campaigns, but few, probably, have been more warmly contested than the struggle of 1824. Thurlow Weed, whose extensive experience as a politician lends weight to his opinion, declared the New York election of 1824 to have been "one of the most stirring" he ever witnessed. "No possible effort was omitted by either party. The utmost excitement per-

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<sup>a</sup>One gets some idea of the intense hostility that must have existed between Clinton and Wheaton from a remark of the former in a confidential letter on the appointment of Wheaton as a delegate to the convention: "The appointment of Wheaton as a delegate is a barefaced insult and must be met as such." (Clinton Letters in Harper's Monthly Magazine, L., 569.)

<sup>b</sup>Clinton's confidential opinion of his "running mate" is interesting. "Tallmadge can scarcely get a vote in his own county; he is the prince of rascals, if Wheaton does not exceed him." (Clinton Letters in Harper's Monthly Magazine, L., 569.)

<sup>c</sup>Proceedings of convention in Albany Daily Advertiser, September 27, 1824.

vaded the State till the closing of the polls." <sup>a</sup> Although the voters of New York would have no opportunity of casting ballots for Presidential electors, there still existed the opportunity of rebuking the party that had withheld from them this privilege of rejecting its candidates for the legislature and the governor's office. While the statements of party newspapers are hardly trustworthy, the result of the election demonstrated that many voters must have sympathized with the views of the New York "American":

Our battle is against caucus dictation; against the sway of the corrupt knot of political intriguers and hungry officeholders constituting the Albany Regency, and against all those who, in defiance of political pledges, in contempt of all republican doctrine, but in obedience to the commands of the above-mentioned Regency, have abused their public stations by opposing and defeating the electoral law.<sup>b</sup>

The fall campaign had not progressed far when the Regency leaders, realizing how strongly the tide was running in favor of the People's Party, began to make violent efforts to prove that their party was really not opposed to the electoral law. Young, the Regency candidate, a man of independent views, was indeed personally in favor of the proposed law, and the People's Party had even at one time thought of him as a possible candidate of its own. In the latter part of September Young wrote a letter in which he declared his adherence to the principle of a popular election of electors, and in the face of his connection with the Regency party even declared his preference for Clay as a Presidential candidate.<sup>c</sup> But while Colonel Young was probably perfectly sincere in his declarations in favor of the electoral law, it is amusing to see Root, the Regency candidate for lieutenant-governor, who, as presiding officer of the senate in the recent extra session, had refused even to entertain a motion for a discussion of the electoral question, also write a letter to prove that he was in favor of a popular choice of electors.<sup>d</sup> It was but the frantic effort of a drowning politician to catch at a straw. The people were not deceived. Young might have been personally acceptable, but

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<sup>a</sup> Weed, T., *Autobiography*, 120.

<sup>b</sup> New York American, October 4, 1824.

<sup>c</sup> Letter in *Statesman*, October 15, 1824.

<sup>d</sup> Albany Daily "Advocate," October 18, 19, 1824.



he "kept suspicious company." The result of the election was a decisive defeat for the Regency party. Clinton was elected governor by over 16,000 majority, and Tallmadge lieutenant-governor by over 33,000 majority. Very few of the members of the legislature who had opposed the electoral law sought reelection, but all of those who did were defeated. Six out of eight State senators elected were anti-Regency men, and two-thirds of the members returned to the assembly were opposed to the Regency party.<sup>a</sup>

While the voting in the State campaign was still in progress, the legislature met to choose the Presidential electors. Even now, indeed to the very last moment, it was doubtful what the outcome in New York would be, although Van Buren seems to have been hopeful of the success of Crawford's cause to the end.<sup>b</sup> Before the legislature finally chose New York's electors it seemed probable that her vote might have a decisive influence in determining whether Clay or Crawford should be the candidate who with Jackson and Adams should come before the House of Representatives.<sup>c</sup> This probability increased the interest in the political game going on at Albany and made the friends of the respective candidates redouble their efforts and stoop to questionable tricks to win the fight.<sup>d</sup> The result of the State election, although it of course did not affect the membership of the legislature, must have added strength to the anti-Crawford forces.

A brief statement of the method by which the legislature chose the Presidential electors may be necessary in order that the contest which now ensued may be understood. Each house first chose an electoral ticket of its own; if the two lists of electors chosen were similar, no further action was necessary except a joint meeting of the two houses, at which the result was formally declared. But if the two houses chose different electoral lists, a joint ballot was required, at which only the names on the lists selected by the respec-

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<sup>a</sup> Results in "Argus," December 7, 10, 1824; Weed, T., *Autobiography*, 121.

<sup>b</sup> Weed, T., *Autobiography*, 127. See also estimate in *Statesman*, November 9; "Argus," November 9, 1824.

<sup>c</sup> Weed, T., *Autobiography*, 123; Hammond, J., *Political History of New York*, II, 177.

<sup>d</sup> For detailed charges of attempts at bribery, see Weed, T., *Autobiography*, 123-127.

tive houses might be voted on.<sup>a</sup> The senate, with little delay or difficulty, nominated a set of Crawford electors,<sup>b</sup> but the assembly was unable to act so expeditiously. The three parties—Adams, Crawford, and Clay—represented in the assembly were so divided that for a long time no faction could secure a majority for its set of electors. The Adams men were most numerous, but they could not obtain the coveted majority. While party managers were maneuvering to break the deadlock in such a manner as to secure an advantage for their own party, several days of ineffectual balloting occurred. The friends of Crawford, since in a meeting for a joint ballot they could vote for the senate's list of Crawford electors, might vote, if necessary, for either a Clay or an Adams ticket in the assembly, simply for the purpose of coming to a joint ballot. But the Adams and Clay men must be more wary; under the circumstances, they feared a joint ballot even more than did the Crawford faction. The friends of the latter, after much hesitation and shrewd intriguing, apparently believing that if they could reduce the candidates to Adams and Crawford, the Clay men would vote on joint ballot for Crawford, cast their votes for an Adams ticket and thus secured the nomination of a set of Adams electors in the assembly.<sup>c</sup> But later developments proved that they had not correctly judged the future action of the Clay men, for the friends of the Kentuckian gave the votes which they could not cast for their favorite to Adams instead of Crawford.

Weed, of the "Rochester Telegraph," not a member of the legislature, but nevertheless exerting a powerful influence behind the scenes, assisted in forming a union ticket composed of Adams electors and certain "moderate" Clay men whom the senate had put upon its Crawford ticket. The autobiography of the influential journalist and politician

<sup>a</sup> Method was the same as that provided for the choice of representatives to the Continental Congress in Revolutionary days. (See New York Constitution of 1777, Clause XXX.)

<sup>b</sup> Journal of Senate, 1824, 451; Albany Daily Advertiser, November 12, 1824. Seven of the men on the Crawford ticket were "moderate" Clay sympathizers, put on the ticket for "tactical" reasons.

<sup>c</sup> Journal of Assembly, 1824, 1242; Clay Private Correspondence, 105, 106. See also letter written by Oran Follet, a Regency man, who made the motion in favor of Adams electors, in Weed, Autobiography, 130-136. Van Buren also makes a lengthy confidential explanation to Crawford in a letter, November [12], 1824. (Van Buren MSS., Library of Congress.)

gives a graphic account of the exciting sessions of the joint meeting. It is unnecessary to repeat the details of the balloting that eventually resulted in the choice of 25 Adams, 7 Clay, and 4 Crawford electors.<sup>a</sup> However, when the electoral college met in December, some changes occurred; Clay lost 3 votes, which were distributed among the other candidates, so that the final vote of New York in the Presidential election of 1824 stood 26 for Adams, 5 for Crawford, 4 for Clay, and 1 for Jackson.<sup>b</sup> The Albany Regency had fought most persistently for the caucus Presidential candidate, but it had finally won for him only 5 out of the 36 votes at the disposal of the State, and in its efforts to save the State for Crawford the Regency had been obliged to take an unpopular position on the electoral law, which lost it the control of the State.

The rebuke administered to the Regency party in the campaign of 1824 showed in an unmistakable manner the wishes of the voters regarding the manner of choosing the Presidential electors. It is very evident that the men who were acting at the command of Martin Van Buren had resisted the movement not so much because they were opposed on general principles to the popular election of electors, but because they desired to gain a political advantage in the campaign. The advantage had not been gained, but the unpopularity had been. The later history of the movement for a change in the electoral law may be briefly told. The legislature, which at its previous sessions had so doggedly evaded a direct vote on the proposed change, now at the session at which the electors were chosen, passed a law providing for a popular expression of opinion on the electoral question. At the next annual State election—that is, in the fall of 1825—the voters were to indicate their preference for the election of electors by (1) districts, (2) general ticket with a plurality vote, or (3) general ticket with a majority vote.<sup>c</sup> But the new legislature, chosen during the “political tornado” of 1824, also desired to deal with the

<sup>a</sup> Weed, T., *Autobiography*, 122, 123.

<sup>b</sup> For accounts of the proceedings, see *Albany Daily Advertiser*, November 16, December 2, 1824; *Journal of Assembly*, 1824, 1248–1251, 1257, 1258; *Journal of Senate*, 1824, 461, 462. The vote for Vice-President stood 29 for Calhoun and 7 for Nathan Sanford.

<sup>c</sup> *Laws of 1824*, 365.

question. Convinced that the people were in favor of choosing the electors by the district system, this legislature, even before the voters had expressed themselves, as provided in the act just mentioned, passed a law directing that the electors were to be chosen by Congressional districts, and that those thus chosen were to select the electors corresponding to the senatorial representation of the State.\*

Thus was the campaign of 1824 fought out in New York. Its real importance lies not so much in the intrigues of the Albany Regency to save the State for Crawford as in the movement for a popular choice of the Presidential electors in the revolt against the legislative caucus and in the permanent establishment of the nominating convention as a method of making State nominations. These were not isolated movements unrelated to the political progress of other States; they were all parts of that political evolution which was changing the democratic theory of the early Republic into democratic practice.

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\* New York adopted the general ticket system in the election of 1832.



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X.—REPORT OF THE CONFERENCE ON THE TEACHING OF HISTORY  
IN ELEMENTARY SCHOOLS.

By <sup>James</sup> J. A. JAMES,

*Professor of History, Northwestern University, and Chairman of the Conference.*

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## REPORT OF THE CONFERENCE ON THE TEACHING OF HISTORY IN ELEMENTARY SCHOOLS.

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By J. A. JAMES, Chairman.

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In opening the discussion Mr. J. A. James, of Northwestern University, chairman of the conference, said that he would strive not to encroach upon the subjects assigned the other speakers and that his remarks would be grouped about three points—(1) The importance of the problem and what has been done in the various States; (2) What may reasonably be expected of the schools; and (3) Are we prepared in this conference to make any practical recommendations? He spoke of the unification and organization characteristic of present-day business and politics and showed that there was a like tendency in education.

In the report of the committee of seven Miss Lucy M. Salmon shows that about one-half of the States have a uniform course of study in history for the elementary schools. As is well known, these courses are usually optional with the schools. This is desirable as long as the office of State superintendent of public instruction is purely political. In a few cases men competent to advise have been called upon to aid in planning courses appropriate for the grades. Even then these recommendations seem to have been of but little practical use. Last year in one of the States the State superintendent called on a committee of the History Teachers' Association to assist in making a suitable course in history. A report constituting some 30 pages of the "State Manual" was prepared, but it was thought "too comprehensive" by a committee of city superintendents. Their report says, in part, on the subject of history "that it is a crime against the child to crowd the school arts back in the corner for any



culture subject, no matter how valuable its contribution to the child's spiritual life. The chief problem of the school to-day is to get enough time for mastery of the language arts. \* \* \* Little besides the narrative of our national history can be presented successfully in the elementary grades. \* \* \* The tendency to minimize the importance of war in the history of our country is a mistake." Thus we have the two widely different views as to what may be attempted and the method to be used in the elementary grades.

An examination of the courses of study in history adopted in the various city schools shows, in like manner, that the problem has a variety of phases and is by no means satisfactorily solved. No attempt is made, in many cases, to give instruction even in the elements of history until the seventh grade. The teacher is then directed to cover during the first year 150 pages of some text, and in the eighth grade the text must be completed.

The leader then compared the amount of time assigned to the subject of history in the French and German and in the American programmes. \* \* \* In closing, he called attention to the influence of the report of the committee of seven on the study of history and suggested that the time had come when a similarly useful work might be done in making out a programme for the elementary schools and in considering other closely allied topics.

Mr. Henry W. Thurston, of the Chicago Normal School, presented a paper on "Some Suggestions for an Elementary Course of Study in History." He spoke of the differences of emphasis in the elementary course as revealed by recent writers, and especially Miss Lucy M. Salmon, Miss Emily J. Rice, Mr. Henry E. Bourne, and Mr. Frank McMurray. Mr. Thurston, after defining the positions of these writers, offered the following theses:

1. The course must recognize each of these factors:
  - a. The dominant mental traits of children at different ages.
  - b. The peculiar individual physical and social experiences the children are getting outside of school or that are within the power of teacher to furnish in school.

*c.* The fundamental difference between knowing the inner spirit and meaning of biographies, episodes, events, historical material of any kind, and the mere externals of such material.

*d.* The peculiar social demands of the particular society in which the child must live.

2. Stated as simply as possible, an aim of history teaching that includes all of these factors is to help the child as fast as possible to understand in a true sense what his American fellows are now doing and to help him to intelligent voluntary action in agreement or disagreement with them.

3. A course of study in history with the above aim will begin with some of the child's problems in his contemporary social environment.

4. A study of contemporary social problems that come within the comprehension of the child will be a part of the work of each succeeding grade.

5. The aim, as stated above, "to help the child to understand in a true sense," involves not only continuous attention to contemporary problems that are within the comprehension of the child, but also attention in every grade to genetic problems in the past that he can understand.

6. These events of past time should be chosen from at least the following fields of human activity: A. Industrial; B. Political; C. Social; D. Religious.

7. They should be chosen primarily from the direct physical and psychical ancestry of Americans, and from various stages in that development from the primitive stage up.

8. Phases of human life may be chosen from outside this ancestry for good reasons similar to the following:

*a.* If they are accessible and typical of less well-understood phases of ancestral life.

*b.* If they have had important influences on that ancestral development.

*c.* If they help the child to understand some phase of the life of his fellows by contrast.

*d.* If they furnish him with the best available ideals for future action.

9. Each separate history topic—civic function, industrial function, biography, episode, event, series of events, etc.—should be treated as intensively as the pedagogical conditions allow. At the very least it should be studied fully enough for the child to see it in some of its genuine relations—breathe something of its very atmosphere.

10. The different unit topics should not necessarily be chosen and presented in chronological order, but rather in such a way that there will be the greatest psychological tendency for the child to relate them for himself in a series that will make him feel that present-day American ways of doing things is the result of evolution.

11. A great many courses of study, differing from each other in most of their details, can be made out that will fulfill these conditions.

12. The teacher of history in the elementary schools is of more importance than the course of study. There are teachers who can succeed in making their children historically minded with a poor course of study.

Mr. G. O. Virtue, of the Winona Normal School, continued the discussion, saying, in brief:

I should discard the principle so often urged for choosing the material for the preparatory years—namely, that based upon the interest of the child. The safer guide is the child's future, rather than his present, needs, and, likewise, in choosing matter and method for the seventh and eighth years it is the future needs of children, most of whom end their school career with these years, that should determine the choice, rather than their present interests. Of course, this does not mean that the child's aptitudes and capacities are to be ignored, but only that his interests for the day shall not control in so important a matter. We need, for such a selection, the perspective given by the consideration of the whole life of the child.

This procedure would lead to the adoption of a course not differing widely in content from that now followed in many American schools. It would give an important place to United States history in the seventh and eighth years. This is, perhaps, most wisely preceded by a year with English history stories organized in such a way as to make the work

most directly preparatory for the work that follows, and the English history, in turn, by a year with the Greeks and Romans and, perhaps, with some phases of mediæval life. The fourth year's work, given to biography, chiefly American, while of greatest value in relation to language and some other work, may be regarded as a part of the course in history.

A course for the elementary school ought, it would seem, to cover the ground indicated above, and this would probably be most wisely covered in the order set down. It is by no means certain, however, that the proportions would be just those indicated. The course outlined could be made roughly to conform to the demands of those holding to the culture-epoch theory. It is flexible enough to meet the needs and interests of children of varying experiences and abilities. It is rich in its possibilities for developing the imagination, rousing enthusiasms, and for building up standards of personal and civic conduct. It makes it possible for the children to gain some sense of connection with the historic past, and it enables them to approach the study of their own country in the seventh and eighth years with an experience enlarged by at least an elementary knowledge of other peoples and other industrial and political institutions than their own. Of these last years spent on United States history, the really vital ones of the course from both the knowledge side and from the training side, no adequate discussion is here possible. It seems proper to say, however, in passing, since men of influence are proclaiming that "mental training is a by-product" merely of history study in the grades, that under proper conditions of preparation, of time, and of skilled instruction this "by-product" may be made of the utmost value, and that a course of study not arranged with the possibilities for mental training in view is necessarily a weak one.

Miss Emily J. Rice, of the School of Education of the University of Chicago, spoke briefly on the subject, "The Preparation of the Elementary Teacher." Miss Rice indicated:

I. New ideals in education make new demands upon the scholarship of the teacher. The teacher's scholarship should

not be measured by the capacity of the children for acquirement, but rather by the wisdom necessary to guide experience.

II. Relation of subject-matter and experience. The subject-matter of history is the result of social experience, and the teacher's place is to help the children to make it their own as far as possible. If this could be done by the children's learning to state the conclusions of others the teacher's work would be comparatively easy, but they can make their own only such knowledge as their experience helps them to interpret. The teacher's scholarship must be so broad that she will not separate history from experience nor from the other subjects of study.

III. Place of psychology in the preparation of the teacher. Since psychology helps the teacher to appreciate the mental attitude of the child, it is as important to her as the knowledge of history itself. The teacher should understand the meaning of experience, so that she can make the problems of history the children's own problems.

IV. Emphasis upon industrial history and the development of the arts. Study of the experiences of children leads us to see that the emphasis in the elementary school must be placed upon industrial rather than political history. The problems that arise in the occupations of the school give importance to the study of the arts.

V. Organization of the subject-matter for teaching. Subject-matter comes to us formulated by the adult mind and for the adult. It can not be given to children in this form. The teacher should have an opportunity to observe the children's reactions to the subject-matter and to organize subject-matter for those of different ages.

VI. Test of the teacher's work. The test of the teacher's work is to be found in the habits of study that the children acquire.

The general discussion which followed was participated in by Messrs. John Bach McMaster, of Philadelphia; James Sullivan, of New York; J. S. Young, of Mankato; E. C. Page, of Dekalb, Ill.; A. H. Sanford, of Stevens Point, Wis.; T. F. Moran, of Lafayette, Ind., and many others.

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**XI.—REPORT OF THE CONFERENCE ON THE TEACHING OF CHURCH  
HISTORY.**

**By FRANCIS A. CHRISTIE,**

*Professor of Church History, Meadville Theological School, and Chairman of the Conference.*

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## REPORT OF THE CONFERENCE ON THE TEACHING OF CHURCH HISTORY.

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By FRANCIS A. CHRISTIE, Chairman.

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Mr. Christie (presiding) opened the conference by enumerating certain defects in the present state of the American pursuit of church history :

(1) A lack of that spirit and method which defines the problems of church history as problems of historical science. The instruction, being chiefly confined to theological schools, is shaped too much by dogmatic and ecclesiastical interests.

(2) A failure to develop a body of workers in this field comparable in number or in energy to those who contribute to other divisions of the field of history.

(3) A failure to show a production of results comparable to the fruit of study in the field of the biblical sciences and in political history.

The speaker proceeded to urge improvements in pedagogic method as the condition of obtaining a larger audience for the specialist in this field. The lack of research and production was ascribed in large measure to the failure of theological schools to conceive of themselves as divisions of the university and under obligation to realize the highest university ideal. To that failure is due the utterly inadequate provision of leisure and library equipment for teachers in theological institutions. It was argued, moreover, that the desired results could not be obtained until the study should be released from the monopoly of theological interest and offered also as a matter of general culture to a wider audience than the clergy. If colleges and graduate schools should pursue the subject, its problems would appeal to a larger body of people, and the instruction in theological schools would be lifted to a higher plane.



Prof. Albert T. Swing, of Oberlin College, then spoke as follows on "Methods of Teaching Church History: "

Three things work together to make a tremendous problem for the teacher of church history—the mass of material, the curriculum limitations, and the uneven preparation of the students. The problem is to know how to accomplish the most under the circumstances. The best method is the one which can bring the best results to the particular body of students in the benches. In something more than a figurative sense the teacher is to sink his individuality in theirs, and, if possible, they are to go out original and independent. The professor in the American seminary can afford to turn his lecture room into a workshop and push the laboratory method, in which the students are made to do the work. Any number of lectures by a master are not as useful to the student as one "poor thing all the student's own," which he has been able to produce by wrestling with the problems of exposition and reproduction, which must be felt before they can be overcome. The mere stimulation of the imitative faculties is the poorest service that can be rendered the student. The simple truth is, there can be no strength where there is not a large place for initiative and the demand for original sentiment.

(1) Chief stress is to be laid on the successful grouping of the subjects for the whole class and for the special studies with which each student is alone to grapple.

(2) The second point of significance is the application of the analytical method of study, by which is meant the seeking for the fundamental truths, the germinal ideas, and the new forces coming into action at the beginning of movements and their contact with the old.

(3) The third matter of importance is the right use of sources and authorities. While the new emphasis placed on primary sources is a move in the right direction, the student will be narrowed rather than broadened if he is not helped to a wise use of secondary sources. He must be delivered from slavery to one book, and be helped to the mastery of many books. The teacher is to be the companion and friend as well as the example in this real laboratory work.

(4) The next best help which the teacher of church his-

tory can render is the inauguration of the student's productive work, where it is to be not the one great thesis but the preparation of usable papers and addresses, with enough of the esthetic and dramatic art to make a living appeal to a mass of hearers.

(5) A final and subordinate point of importance is the observing from the beginning the correct mechanical form—the bibliography, the outline and table of contents in the final form for printing. To write as carefully and exactly as if to print is a valuable rule.

The problem of making strong students is therefore a double one, the discovery and analysis of vital movements by the exercise of true historical insight; and the immediate using of these ideas with a judicial temper and yet with a sensitive skill which can make the hearer see what he sees and feel something of what he feels. Knowing is not the end, but the end is the effective reproduction and presentation. Here is to be the consummation of the seminary student's study of church history. If the preacher who can speak of the dry and dusty shelves of the past has any message it will spring out of a very short root. Eight important groups can be proposed, no one of which the student can ignore without serious loss. Four of these are in the general history. Important as these are as preliminary studies, and from their mingling of political as well as religious interests, they are to be duplicated by as many studies in doctrine and theology, for which the general history is but the preparation. The historical analysis of the origin of doctrine and the tracing of the developments of doctrine should become the crowning work of the historical department in any Christian seminary. Without it no student is strong enough to cope with the intricate problems which thrust themselves continually into the life of every man who is a force in the real world of ideas. Unreasoning dogmatism has no insight, unthinking liberalism has no ideals great enough to make a future, unschooled radicalism can establish no rights to leadership. The present and the future are alone for the strong student who is as wisely conservative as he is truly progressive, who understands the new because he can understand the old. Having become sympathetic with every old form of thought that had

vitality in it he is alone fitted to step forth and assume leadership in an age which apart from him knows not really from whence it came, and even less whither it is tending, and least of all whither it ought to go.

The second speech was by Prof. Shailer Matthews, of the University of Chicago, on "The Stimulation of Research." Professor Matthews maintained, in substance, that in a theological seminary a limit was set upon research by the aim of the institution. The seminary being a professional school, like those for law or medicine, aimed at practical efficiency and not at general culture. It is inadvisable to urge research upon the majority of the students in a seminary, the training obtained in college being too much of a general smattering to make research possible. The seminary should provide for the general mass of its students a teaching of the substance of knowledge, and then in the final year a discipline in the use of sources, not for the production of technical historians, but to show the difference between opinion and fact and the method of constructing data. When, however, a seminary has also a class of students who are preparing to teach and bring, therefore, a higher aptitude and ambition, separate provision should be made for such so that after two years of professional study they should pass to a more technical training. Research thus concerns the instructor himself and the students who aim to become instructors. For the advancement of learning in this field Professor Matthews advocated a systematic undertaking to edit and publish documents of American church history, the work to be done by instructors and advanced students in collaboration. He advocated also a project of cooperative historical writing by teachers of the subject, after the model of the Cambridge Modern History.

Prof. Carl R. Fish, of the University of Wisconsin, then spoke on "The Teaching of Church History in Colleges and Graduate Schools." This discussion is confined to the necessity and advantage of correlating the church and secular history of the United States. Although churches have had a very great influence in the development of American civilization, the attention devoted to them in general courses in

American history is very slight and is directed chiefly to the bizarre and the picturesque. Vital problems are seldom handled. This is partly explained by the fact that most American colleges are denominational, or are connected with State universities; but the obstacles thus presented are not so great as is generally supposed, owing to tolerance of Americans with regard to questions of religion.

The necessity for such correlation is urgent, because the multiplication of courses forbids the average college student to take special courses in church history; because the recent expansion of the field of history demands attention to the churches, lest the view given be one-sided; because such correlation is too difficult for the student unaided. Its advantage lies in broadening, and therefore simplifying, the whole view of history. An illustration is the growth and the history of united organizations in the churches and the political union of the country.

As a preliminary to such correlation by the college teacher of general American history, much work must be done by the specialists in church history in the comparative study of the several churches of religion and morality and of local religious and civil institutions. This is the most profitable field for the graduate student, who will find whole series of problems by simply placing side by side the ascertained facts in these several subjects and observing the relationships and the discrepancies which then appear. This broadening of the scope of church history would increase interest in it, which is at present increasing, and would put on a scientific basis many subjects which are now left to conjecture and deduction.



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XII.—FIRST REPORT OF THE CONFERENCE OF STATE AND LOCAL  
HISTORICAL SOCIETIES.

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By **FREDERICK WIGHTMAN MOORE,**  
*Tennessee Historical Society, Secretary of the Conference.*

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## FIRST REPORT OF THE CONFERENCE OF STATE AND LOCAL HISTORICAL SOCIETIES.

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By **FREDERICK WIGHTMAN MOORE**, Secretary of the Conference.

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In accordance with an invitation emanating from the programme committee of the American Historical Association, a conference of State and local historical societies was held in Chicago on the morning of Thursday, December 29, 1904, in connection with the annual meeting of the national association.

The conference was called to order at 10.30 a. m. in the library of Reynolds Club House, University of Chicago, by Reuben Gold Thwaites, of the Wisconsin Historical Society, who had been designated by the committee as chairman of the meeting. Frederick W. Moore, of the Tennessee Historical Society, was selected by the delegates as secretary.

The Chair briefly stated the objects of the gathering to be an informal consultation concerning the problems which beset the societies and the State departments of archives and history. The invitation extended to the organizations and departments had in the main been restricted to those of the West and South, because, in the opinion of the committee, the eastern societies were not as a rule confronted by the questions which troubled those in the newer States. Institutions invited to attend had been asked for suggestions. Many had replied, their letters covering so wide a range that it was apparent that a two hours' meeting would unfortunately not suffice to touch upon a tithe of the interesting discussions proposed. It had therefore been determined by the committee to restrict discussion at this first conference to two points—the best methods of organizing State historical work and the possibilities of cooperation between societies.



Under the first head—forms of organization and the relations of the work to the State government—Thomas M. Owen, director of the Department of Archives and History of Alabama, opened the discussion. Mr. Owen enlarged upon the duty which each State owes to its archives and history, and advocated the organization of a State department of archives and history charged with the duty of caring for the archives of the State departments and the local government, as well as the collection of miscellaneous historical material and the diffusion of historical knowledge. The possibility of establishing a practical, nonpartisan department was illustrated by the example of Alabama, where the personnel of the first board was specified in the creating act, and that board made practically self-perpetuating, subject to confirmation by the senate.\*

Warren Upham, secretary of the Minnesota Historical Society, presented arguments in favor of this work being performed by well-established societies and done at public expense. Professor Upham spoke as follows:

Although in some of the States, especially where historical work is now for the first time being actively and systematically undertaken, a department of archives and history may be found most efficient and practicable, I believe that even there historical societies should be formed for cooperation with the State department of history, and that in most or all of the States which have long had such societies their services are more comprehensive and valuable than can be rendered by an official State department.

The society enlists the interest and aid of its large membership, representing personally many or all of the counties or other large districts of the State. Each member is expected to aid by gathering details of the pioneer settlement and subsequent history of his county, township, or region; by donating local publications, mostly pamphlets, as reports of the schools, churches, local societies, fairs, etc., for the society's library; by securing historical relics for its museum and portraits of early settlers and prominent citizens for its State portrait collection, and by writing on themes of the local history for its meetings and publications. Through

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\* See full text of Doctor Owen's paper, post.

invitation and solicitation by the secretary and other officers of the society it may thus receive addresses and papers on any theme of the State history, or that of any county, city, town, or village, by authors having accurate knowledge, responsibility, and pride for the district or the subject so presented.

In their relations to the State governments and to State support by legislative appropriations the State and local historical societies of the older States receive little or no State aid, while yet rendering great services to the people in each of the New England States, in New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, South Carolina, Georgia, Ohio, Indiana, Illinois, Missouri, and Michigan. These societies, through financial support by their membership, supplemented in many cases by State assistance for printing, have gathered very important historical libraries, museums, and collections of portraits, and have issued extensive series of publications on the history of these several States.

Contrasted with these eastern historical societies we have in five of the Western and Northwestern States, namely, Wisconsin, Minnesota, Iowa, Nebraska, and Kansas, societies which have long received nearly all the means for their very extensive work from State appropriations, being thus on the same footing with the other institutions of public education. Besides the collection of all published books, pamphlets, maps, etc., relating to the State history, these five societies gather the current newspapers from all parts of their respective States and preserve them in bound volumes, doing this more fully than has been attempted elsewhere in the United States, but similarly with the British Museum, which thus preserves all the newspapers issued in Great Britain. The newspaper departments of these State historical libraries are priceless treasuries of materials for future historians, showing the development of these States and of their counties and separate townships from their beginnings.

Each of the States, whether aiding their historical societies little or much, is served continuously and zealously and gratuitously by the boards of officers and by the membership of these societies. Several features of this service are notable. It is not determined by political election or appointment,

nor dependent on changes of the general State administration; it extends through very long terms of membership, and often of official relations; its changes of officers are decided by the members of the society or by a large number of their representatives forming the society's council, and constant and efficient work for the increase of the library and other collections of the society is carried forward by frequent meetings and regular publications.

To mention finally what I deem the highest merit and crowning honor of the local historical societies, they are shown by their results, extending in some of the old States a century or more and in the Northwest more than half a century, to be nobly useful by the discovery and development of historical workers, local antiquaries, and the persons in every part of the several States who have been best qualified for historical researches and for rescuing the past from forgetfulness.

A. C. McLaughlin, director of the Bureau of Historical Research in the Carnegie Institution of Washington, was introduced and asked to state the plans of that institution. These look rather to aiding than to undertaking research. In this respect the interest and appreciation of the historical societies of the country is desired. It is hoped that the institution may be of service to them and that, by proper correlation, duplication of work and needless searching may be avoided. The institution hopes eventually to secure the transcription of all American documents in European archives, as well as to calendar all collections of such transcripts already in the United States. The last undertaking will be entered upon immediately—the former will, in due course, be carried forward in connection with the Library of Congress.

The question of the possibilities of mutual cooperation between societies, State and local, was then taken up. C. M. Burton, president of the Michigan Pioneer and Historical Society, spoke substantially as follows:

The purposes for which historical societies should cooperate would be to prevent needless duplication of matter in their published reports and proceedings and the gradual

preparation of an index to all printed historical material, so as to provide a ready access to such matter for students and investigators.

There are two classes of historical societies—those maintained by private donations and dues of members and those maintained by legislative donations. The publications of the first class of these societies is frequently confined to a small edition to be distributed only among the members of the society. In the second class the published works are sometimes distributed, as in Michigan, to all libraries in the State, and are thus used for popular instructions among the citizens and in the schools. As a general rule both classes are in want of funds for the proper management of the societies and are unable to do all that they desire or all that they ought to do in the proper line of historical research and work.

It has frequently happened in the past that two societies will collect and print in their publications, papers, and documents that have already been printed by some other society. This sometimes occurs because the two publications are issued at the same time and the publishing societies are ignorant of the works of each other. Sometimes this duplication occurs because the second publisher was ignorant of the former publication. It has also sometimes happened that one society will print a portion of some important document, omitting portions not of interest to the State or locality of the society, although the omitted portion may be of great interest to some other locality.

It is not always best to omit publication of documents simply because they can be found printed in some other publication. In the publication of a series of documents it would detract from their value somewhat to find a statement that some one or two were omitted because they were printed in the proceedings of some other society, while it would be a needless expense to any society to reprint an entire collection of documents because they applied to the locality of the society if the original print could be readily secured.

For the purposes of cooperation to avoid this unnecessary duplication it is suggested that the various societies send to the secretary of the American Historical Association, to be

by him at once transmitted to the other historical societies, a list of such papers as are proposed to be printed by the society during the ensuing year. As an illustration of how this will work, take the subject of the Haldimand papers, many of which have been printed in Michigan and Wisconsin. If any society proposes during the next year to print any more of these papers and a list is sent to every other society the publication of the same papers by any other society could be readily prevented.

Another good that might be derived from this notification can be readily seen in the following illustration: There is now in preparation for publication in the thirty-fourth volume of the Michigan Society the "Orderly Books of Gen. Anthony Wayne," comprising not only the books left by General Wayne, but the continuation of the same by his successor, General Wilkinson, and such other heretofore unpublished documents as can be obtained covering the period from 1792 to 1797. It is quite desirable that this publication should include everything that can be found on the subject of Indian warfare after the appointment of Wayne, at least until the time of his death in 1796. Many of the societies have letters, documents, diaries or journals, and papers of various kinds that throw light on this interesting and historical period. When the knowledge of this intended publication has been transmitted to the various societies, they will doubtless examine their archives and notify the Michigan Society of such papers as they have and are willing to send for publication. This is a cooperation that could be put into immediate practice.

A further suggestion for cooperation is the making of an index of historical writings prepared somewhat on the plan of Poole's index. The preparation of such work would be stupendous without doubt, but when once completed it would be invaluable. It would be of use to students, investigators, and historical societies. Such a work should not only include the historical societies' publications, but the magazines and pamphlets. The work of compiling it might be cooperative. Each society could contribute the index to its own publications and the public and private libraries could add the list of pamphlets. Poole's index could be utilized for the magazine articles. A year's work would produce a very

good beginning, and a foundation thus laid could be built upon by a new edition each year until the work was practically completed. Who could compute the value and usefulness of such a work?

Benjamin F. Shanibaugh, of the State Historical Society of Iowa, followed with these remarks upon the possibilities of mutual cooperation between State and local historical societies:

At this conference of historical societies I desire to speak briefly to the point of (1) the propagation of interest, (2) the collection of material, and (3) the publication of data as within the possibilities of mutual cooperation between historical societies, State and local. And to be more specific I will add that my remarks, suggested by conditions in States such as Iowa, Michigan, Illinois, Minnesota, and Wisconsin, contemplate phases of possible cooperation between the State historical society on the one hand and the various local historical societies and associations on the other.

First. By the propagation of interest I mean the stimulation and diffusion throughout the Commonwealth of a general interest in and an enthusiasm for State and local history. With students and men of science the interest will be chiefly academic, and will be expressed in scientific research, critical investigation, and scholarly publications, while among the masses of the people enthusiasm will take the form largely of a commendable pride in things local and provincial. The State historical society, with its larger library and collections, its broader scope, its publications, and its touch with American and world history will attract, stimulate, and encourage the scholar. On the other hand, the local society of the town or county, with its more popular membership, can do most to arouse that local patriotism and foster that spirit of local provincialism which, when widely diffused throughout the community, means for the State society that popular moral support which leads to rich gifts and large appropriations. Thus the State and local societies, being mutually supplementary, may through affiliation and cooperation become most effective in spreading the gospel of historical interest.

Second. The possibilities of cooperation in the collection of historical material for permanent preservation are evident. For, while the State society will aim to make its library the largest and most complete within the Commonwealth in State and local history (including at the same time materials of national and world history as well as much that is classed as politics, economics, sociology, and jurisprudence), few local societies will go beyond the collection of materials of local and State history. Local societies aim, first of all, to collect and preserve the materials of local history, and while doing this they may effectively assist the State society in securing matter along the same lines. At the same time the members of local societies may cooperate effectively with the collector of the State society in securing manuscripts, books, pamphlets, etc., which are of more general interest. In Iowa, where the State Historical Society has placed a collector in the field, this phase of cooperation now appears to be most promising. On the other hand, the State society will often find it possible to turn over duplicate material to the libraries and collections of local societies.

Third. The publication of data of State and local history is one of the most important offices of the historical society. And I believe that as time goes on this function will become more and more pronounced, notwithstanding some contemporary evidence of the tendency to yield to the solicitations of publishers who make books valuable by limiting the editions. I do not believe that the historical society has fulfilled its highest mission when it has collected a large library of books and manuscripts and housed them securely in a marble palace. For after the materials have been collected their content should as far as possible be made accessible through publications. Are there manuscripts of great value? Let them be carefully edited and published by the State society. Has some student done a scholarly and critical piece of work? Let it be published in the quarterly of the State society or as a separate monograph. Finally, the State society should furnish all of its publications at a nominal price or in exchange to all of the local societies and public libraries in the Commonwealth. On the other hand, the local societies may cooperate in this field by publishing their proceedings, which will contain reminiscences, recollections, and reflections of

old settlers and pioneers, as well as notes and information of a purely local bearing. These proceedings should be freely exchanged with other local societies and with the State organization.

But the important question is, How may cooperation in the three-fold direction herein indicated be made possible and practicable? The answer is, Through the affiliation of the local historical societies with the State historical society. This affiliation may take the form of auxiliary membership, as in Iowa, where the provisions for such membership are as follows:

Local historical societies (such as county historical societies, city or town historical societies, and old settlers' associations) may be enrolled as auxiliary members of the State Historical Society of Iowa upon application of such local historical societies and upon the approval of their applications by the board of curators of the State Historical Society of Iowa.

Auxiliary societies shall be entitled to membership in the State Historical Society of Iowa and shall have one vote at the annual meeting of this society. Each auxiliary society shall be entitled to receive all the publications of the State Historical Society of Iowa issued during the period of its affiliation as an auxiliary member.

Franklin L. Riley, of the Mississippi Historical Society, thus described the condition of affairs in that State:

Although the writer worked out the details of the existing historical organizations in Mississippi and drafted the legislative bills which put them into active operation, he finds it rather difficult to say where all of their features came from. He spent much time studying the organization in Wisconsin, where the State Historical Society has control of all the necessary machinery for carrying on the work in the State, and in Alabama, where the Historical Society lost its appropriation in the establishment of the State Department of Archives and History. The constitution and workings of several other historical organizations were also studied in this connection.

The primary object he had in view was the establishment of two permanent, coordinate agencies with clearly defined spheres of activity, which would perform all of the necessary local historical work in the State. There seemed to be a place for an agency controlled and permeated by university



influences, also for an agency which would be in more constant contact with the citizens of the State of all ranks and occupations. He therefore planned for the reorganization and perpetuation of the Historical Society and for the establishment of a new State Department of Archives and History.

The newly planned department was expected to undertake work in fields which it was very difficult, if not well-nigh impossible, for the society to develop satisfactorily. There are comparatively few historical societies that accomplish great results as collecting agencies. There are also very few State departments that are able and willing to foster and direct the various important lines of research which are necessary to the publication of valuable contributions to history.

The latter field seems to be the special province of the university, with its corps of graduate students and its large number of alumni, as well as its various other literary affiliations, which reach to every part of the State. These circumstances afford to persons who are well trained opportunities as well as incentives to contribute their part toward the development of historical work in the different States. Three-fourths of the contributors to the Publications of the Mississippi Historical Society are alumni of the State University. In the near future the proportion of contributions from this source will doubtless become even greater.

The idea of publishing at the University of Mississippi the finished products of historical investigation was derived from the Johns Hopkins University, and the utilization of the State Historical Society was at first only a means to this end. The society developed rapidly, however, and within a year the historical work under the direction of the secretary and treasurer of that organization embraced so many different kinds of activity that the office became very burdensome. Then followed a process of differentiation, which culminated in the creation of the Department of Archives and History, the model for which was furnished by the then newly created Department of Archives and History in Alabama.

In the opinion of the writer the organization for historical work in Mississippi is unique, and contains at least

one idea which is original. It is that of two coordinated, State-supported agencies, one with headquarters at the State University, the other with headquarters at the State capital, and both of them working successfully and harmoniously in their respective fields. These agencies bring to bear upon the historical work of the State two of the influences—academic and political—which are the most powerful and progressive in any Commonwealth.

The Mississippi Historical Society has issued annual volumes of Publications since its reorganization. Its energies are primarily directed to the publishing of finished products of historical research. Seven volumes of Publications have been issued, the eighth being now in the press, each of which has been more valuable than the preceding one. The volumes which have been published are well bound in cloth and contain 154 contributions, aggregating 2,742 pages. Volume VIII will contain 28 contributions, which will make a book of about 550 pages.

A general classification of the contributions that have been published by the Mississippi Historical Society, with the number of contributions under each subject, is here given in order to indicate the nature and scope of the investigations which have been successfully conducted under the direction of this State agency. The result of this effort at classification is not entirely satisfactory, as some of the most valuable contributions may be placed under more than one head. In only exceptional cases, however, has the writer yielded to the temptation to count contributions under more than one head. This classification is as follows:

	Contributions.
Bibliography .....	16
Historical reports .....	8
Literary history .....	11
Constitutional and political history .....	27
Economic history .....	8
Social history .....	6
Educational history .....	4
Ecclesiastical history .....	10
Military history .....	17
History of scientific investigations and industries .....	3
County and municipal history .....	12
Biography .....	15
Pioneer reminiscences .....	3

	Contributions.
Archæology -----	7
Indians -----	13
Exploration and early settlement -----	5
Historical geography -----	8
Original documents -----	4
Mississippi River -----	4
Miscellaneous -----	8

It is not deemed necessary to give in this connection a detailed statement of the different fields of labor which have been allotted to the Historical Society and to the State Department of Archives and History in Mississippi, as this information will be found in the Annual Report of the American Historical Association for 1903, Volume I, pages 475-478.

The several addresses were attentively listened to, and elicited numerous questions, showing a hearty interest on the part of all present. In summing up the result of this first conference of historical societies and departments, the chairman said that it was quite evident that among the earliest needs was the publication of calendars of each other's manuscript collections, on some well-accepted plan; there were also needed published lists of other historical material which was available to scholars, in the several society and departmental collections, such as maps, portraits, engravings, and illustrative material generally.

Sectional or neighborhood cooperation was also highly desirable. The Louisiana Purchase States, those in the Old Northwest, Kentucky and Tennessee, the Middle West, the Mississippi Valley, the Gulf States, the Pacific coast, the Canadian Northwest, etc., were all of them sections whose societies or departments might profitably get together now and then to discuss historical needs—the sources of documents, the parceling out of possible publications, the discovery of gaps which need to be filled; together with questions of administration, public and private support, museums, lectures, etc.

National cooperation, he thought, was also quite feasible. Methods and ideals might be improved by annual conferences like the present. There might well be a national committee, or possibly a commission charged with this object

like the Historical Manuscripts and Public Archives commissions, seeking to effect a general improvement—not rejecting genealogy, as has sometimes been urged, but seeking to draw the line between that and real historical work, and cordially cooperating, wherever need be, with the genealogical societies. Then, again, we shall find the Library of Congress and the Carnegie Institution eager for our cooperation; indeed, they are already soliciting our suggestions as to work desirable for them to undertake both at home and abroad.

On motion of Mr. Owen, the council of the American Historical Association was unanimously requested to provide for further conferences of State and local historical societies, the chairman and secretary thereof to be appointed by the council, and such officers to provide a programme for at least two meetings at the next session of the national association. Later in the day the council voted that a similar round table of State and local historical societies and departments be held as one of the features of the annual meeting in Baltimore next winter. Dr. Thomas M. Owen, director of the Alabama Department of Archives and History, was appointed chairman of the conference, and Prof. Benjamin F. Shambaugh, of the University of Iowa, secretary.

The following delegates were accredited to the conference, and nearly all were present:

Alabama Department of Archives and History, Montgomery—Dr. Thomas M. Owen, director.

Buffalo (N. Y.) Historical Society—Frank H. Severance, secretary.

Carnegie Institution of Washington, Bureau of Historical Research—Prof. A. C. McLaughlin and Waldo G. Leland.

Chicago Historical Society—Dr. J. W. Fertig, secretary; Dr. A. L. Schmidt, S. H. Kerfoot, jr., and Miss Caroline McIlvane, librarian.

Evanston (Ill.) Historical Society—J. Seymour Currey, secretary, and Frank B. Grover, vice-president.

German American Historical Society, Philadelphia—Emil Mannhardt, Chicago.

Illinois State Historical Society, Springfield—Dr. J. F. Snyder, president; J. F. Steward, Paul Selby, A. M., and Prof. Edwin E. Sparks.

Iowa Historical Department, Des Moines—Hon. Charles Aldrich, curator, and Miss Mary R. Whitcomb, assistant curator.

Iowa State Historical Society, Iowa City—Prof. B. F. Shambaugh, Dr. Frank E. Horrack, secretary, and T. J. Fitzpatrick, collector.

Kansas Historical Society, Topeka—Col. George W. Martin, secretary.

Louisiana Historical Society, New Orleans—William Beer, Prof. Alcée Fortier, president, and Dr. James S. Zacharie, first vice-president.

McLean County (Ill.) Historical Society, Bloomington—George P. Davis, president; Ezra M. Prince, secretary, and John H. Burnham, chairman of executive committee.

Manitoba Historical Society, Winnipeg—Rev. Dr. George Bryce.

Maumee Valley (Ohio) Pioneer and Historical Association, Defiance—Dr. Charles E. Slocum.

Michigan Pioneer and Historical Society, Lansing—Clarence M. Burton, president, Detroit, and Hon. Peter White, Marquette.

Minnesota Historical Society, St. Paul—Prof. Warren Upham, secretary.

Mississippi Department of Archives and History, Jackson—Hon. Dunbar Rowland, director.

Mississippi Historical Society, University—Dr. Franklin L. Riley, secretary.

Missouri Historical Society, St. Louis—Judge William B. Douglas, president.

Missouri State Historical Society, Columbia—F. A. Sampson, secretary; Dr. Isador Loeb, and Dr. Jonas Viles.

Nebraska Historical Society, Lincoln—Prof. H. W. Caldwell.

New York University—Marshall S. Brown.

Northern Indiana Historical Society, South Bend—George A. Baker, secretary, and Otto M. Knoblock.

Ohio Historical and Philosophical Society, Cincinnati—Joseph Wilby, president, and Prof. Merrick Whitcomb, curator.

Ohio State Archaeological and Historical Society, Columbus—E. O. Randall, secretary.

"Old Northwest" Genealogical Society, Columbus, Ohio—Capt. N. W. Evans, Portsmouth.

Peoria (Ill.) Historical Society—Prof. Charles T. Wycoff.

Richland County (Ohio) Historical Society, Columbus—Hon. E. O. Randall, Columbus, and A. G. Baughman, secretary, Mansfield.

Tennessee Historical Society, Nashville—Dr. Frederick W. Moore and Dr. R. A. Halley.

Texas State Historical Association, Austin—Prof. George P. Garrison.

U. S. Daughters of 1812, Illinois Branch, Chicago—Mrs. Robert Hall Wiles, president.

Wayne County (Ind.) Historical Society, Richmond—Prof. Cyrus W. Hodgkin.

Western Illinois State Normal School, Macomb—Prof. James C. Burns.

Western Reserve Historical Society, Cleveland, Ohio—Wallace H. Cathcart, secretary, and William H. Miner.

Wisconsin Historical Society, Madison—Hon. William W. Wight, president; Dr. R. G. Thwaites, secretary; Hon. Henry E. Legler, and Dr. Frederick J. Turner.

Wyoming (Pa.) Historical and Geological Society—Thomas Lynch, Montgomery, State librarian.

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XIII.—STATE DEPARTMENTS OF ARCHIVES AND HISTORY.

By **THOMAS McADORY OWEN,**  
*Director of the Alabama Department of Archives and History.*

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## STATE DEPARTMENTS OF ARCHIVES AND HISTORY.<sup>a</sup>

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By THOMAS MCADORY OWEN.

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The subject of history is receiving a degree of attention and commanding a place in the domain of letters never before known in the United States. This interest is demonstrated in a hundred different ways. Every institution of learning of any pretention offers extensive courses both in general and in American history. The very best men are at the head of their historical schools. Secondary schools likewise give history a prominent place. Thousands of the brightest and subtlest intellects of the world are devoting themselves to its study and promotion. In this almost universal revival of interest, embracing educational institutions, learned societies, and individuals, what part, if any, has been taken by the State, using the word in its broad sense? To state the inquiry definitely, has there been any response on the part of the State to a supposed or real duty to its archives (public records of every character) and its history? The duty is now so universally conceded that I ought not to stop for its consideration. I only do so to briefly say that if the State owes a duty to publish and disseminate its statutes and the decision of its courts, which are directive or prohibitive, surely, for the same reason, it should care for its history as such, which is stimulative, inspiring, and life-giving.

Almost every State, as well as the General Government, has in some way recognized this duty. The latter has spent more than \$1,000,000 for specific historical purposes, as the purchase of manuscript material, the publication of archives, war records, etc. State aid has usually taken the form of appropriations in support of historical societies, subsidies or

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<sup>a</sup> Presented at a round table conference during the Twentieth Annual Meeting of the American Historical Association, Chicago, Dec. 29, 1904.



grants to individual authors or historical writers, appropriations for the publication of State papers or archives, military records and historical narratives, official documents of a semi-historical character, and also, in a few cases, for the care and preservation of public records. The most noticeable fact in reference to these appropriations is their striking lack of uniformity and, except in a few instances, their temporary character. No two conceptions of the duty are alike and no two States (except Alabama and Mississippi) meet it in the same way. I am not able here to enter into an extended analysis, but from a most careful study my conclusions are that the problems involved have not yet been met in an enlarged, comprehensive, and logical manner. While the appropriations made are usually well directed, as far as they go, they are given as a sort of subsidy. A particular condition is met with a specific amount, and usually the agencies appointed to do the work involved are required to serve without compensation. There is a painful lack of organized effort. In my opinion, so long as aid is extended as a subsidy or gift, so long will the conditions which surround it be, in the very nature of things, temporary, uncertain, and without organized direction. A subsidy or gift, no matter how meritorious in the particular case, falls short of the enlarged conception of permanence, which must be realized before the full measure of obligation is met.

Before we can properly discuss agencies for the performance of duties we must have a clear and definite conception of the duties themselves. As a comprehensive enumeration, I can not do better than to quote the entire statement of the "objects and purposes" of the Department of Archives and History of the State of Alabama, established by legislative act approved February 27, 1901. These are declared to be "the care and custody of official archives, the collection of materials bearing upon the history of the State and of the territory included therein from the earliest times, the completion and publication of the State's official records and other historical materials, the diffusion of knowledge in reference to the history and resources of the State, the encouragement of historical work and research," etc.

The enumeration, it must be observed, only purports to set

forth the duties of the State, not the obligations of historical societies or individuals, which, while they may be identical in some respects, are nevertheless altogether distinct and separate. It is further to be noted that as between the State and societies or individuals, the only exclusive duty is that in reference to official archives. In all other matters, if desired, societies, as well as the State, can collect historical materials, diffuse knowledge, encourage historical work and research, etc. An ideal condition, and one not at all hard to realize, would mean the successful operation of all activities under whatever auspices conducted. First and of supreme importance in the list is "the care and custody of official archives." That this should be first hardly admits of question. The position of this Association is clear as to the value of archives or public records as source material, and also on the importance of their proper care and preservation. At its annual meeting in December, 1899, a Public Archives Commission was created to investigate and report upon the archives and public records of the several States and the United States. Prior to this the Historical Manuscripts Commission had conducted some investigations in this important field. Four reports have been made by the Public Archives Commission, and are to be found in the annual volumes of this Association. Its investigations have been conducted with much thoroughness and care, and an examination of them is in the highest degree helpful and necessary in reaching a satisfactory conclusion on the subject in hand.

In the first report <sup>a</sup> the significant statement is made that "the information gathered by the commission through its adjunct members has served to make clear—what was already clear enough—the imperative necessity for a more rational and scientific treatment of documentary material in the United States." In the same report (p. 21) is the following statement in reference to public records, taken from a report of a committee of the United States House of Representatives: "What the situation needs is not spasmodic or irregular treatment, but adherence to a compre-

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<sup>a</sup> Annual Report of the American Historical Association, 1900, Vol. II, p. 23.

hensive and well-ordered plan;"<sup>a</sup> and commenting on the report of Prof. H. L. Osgood on the New York archives, the further statement is made that his investigation "affords a striking illustration of the necessity of a more orderly and scientific treatment of these valuable records by the State itself." In due appreciation of the very great importance of the subject, the commission reported (p. 24) that they had lent their aid "to every movement which has come to their notice having for its object the creation of State record commissions, State archivists, and the like, and they are glad to report that in a number of States the sentiment in favor of *some form of central administration and supervision* seems to be on the increase." (The italics are mine.)

The position of the Public Archives Commission, so strongly urged in its first report, as well as in all subsequent reports, is, so far, at least, as we are concerned, authoritative. But I think that I can safely go further and say that its conclusions are now generally accepted by all who think intelligently on the subject. If, therefore, the duty is clear, and particularly if the situation in respect thereto demands "rational and scientific treatment," "adherence to a comprehensive and well-ordered plan," and "some form of central administration and supervision," what is the wise and logical thing to be done? In what specific way are the duties to be met? We have heretofore dealt in generalities; let us now view the subject in a purely practical way and endeavor to reach a sound conclusion. Even a superficial consideration at once leads, I think, to the irresistible conclusion that the same principles should be here applied as in similar cases where the State has met new duties and obligations. Consider for a moment the method of meeting the general duties of the State to any of the subjects to which

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<sup>a</sup> The value and importance of the scientific treatment of archives and public records has found admirable emphasis in a paper by Dr. Ernest Cushing Richardson, president of the American Library Association, in *The Dial*, Chicago, February 1, 1905, p. 74. Doctor Richardson says: "When the American Library Association was formed, and for ten years afterwards, there were hardly half a dozen librarians in America to whom the word 'archive' meant anything practical. To-day archival science is developed to a high degree in many States. To the careful observer of library progress there are few achievements in American library work so valuable in themselves and so promising of future scientific usefulness as that of which Mr. [Thomas M.] Owen's work in Alabama is perhaps the best type, but which is now being done in many States."

it owes duties at all. Without going back to the early organization of State governments, your attention is directed to the many new obligations which have developed with the growth of the State. Some of these are education, agriculture and industries, geological surveys, statistics, banks and banking, and supervision of common carriers. How are the duties in relation to these subjects met? By State offices, departments, boards, and commissions. It is respectfully submitted that the situation which has arisen and developed in respect to the care and custody of archives and the promotion of historical activities be met in the same way—that is, by the establishment of a department of archives and history. This is the natural, simple, and logical course. The establishment of such a department in the several States, charged with the duties which I have heretofore enumerated, would meet every conceivable condition which might arise. “But,” you ask, “why has not this method obtained earlier?” Simply for the same reason that other growth in civic life has been slow, but principally because of the fact that we are only now coming to a full realization of the need. It may be said that offices and departments already established should be so readjusted and enlarged as to care for the several matters proposed to be incorporated in the new department. This position is not sound and carries its own refutation. It is far easier to create a new office than to increase the duties of existing ones. Experience has shown that very rarely have officials shown the proper appreciation of the valuable and important records properly forming a part of their offices. It is only necessary to examine the reports of the adjunct members of the Public Archives Commission to obtain abundant evidence in support of this assertion. If such has been the condition in the past, how can anything better be expected in the future? It has been suggested by some that the State library should be so reorganized as to constitute the proposed department. To this I give an emphatic dissent. It might be done if a hundred years of traditions and settled conditions did not obtain in the several State and supreme court libraries of the country which would render reform or change impossible. The State and supreme court librarian should respond generally

to the needs of the court and its bar, but should not be charged with duties involving highly specialized functions foreign to regular library work. How many librarians are fit to cope with musty archives? How many are equipped to edit your historical publications? How many are able to respond to calls for detailed historical or statistical information? In making these comments on the State librarians it is done in no unfriendly spirit. I am simply emphasizing the point that our hopes in reference to the care and preservation of our archives and our historical interests must not be centered in them. In the past they have been just about as indifferent on such subjects as other State officials. It is proper for me to say, however, that there are some notable exceptions, particularly in the case of the State librarians of New York, Pennsylvania, Indiana, Connecticut, Massachusetts, and Ohio.

There are two other matters proper to be considered at this point. One is the question of whether or not the Public Record Commission, so successfully in operation in Massachusetts, may not be made to perform the work of the proposed department. The statutes governing the commission, as well as its several reports, have been carefully and critically examined. It is charged with very important duties in reference to supervision and the enforcement of laws concerning record making and record preservation, as whether or not certain records are kept, the character of buildings and vaults in which kept, quality of inks, paper, typewriter ribbons, etc. These things, while of vital consequence, are nevertheless only a very small part of the many functions which should be exercised by a department of archives and history. There is no objection to the Public Record Commission.<sup>a</sup> It is a useful and wise institution, but it is too limited in scope. Indeed, it does not undertake to view archives in any sense from the standpoint of the historical student.

The other question is whether or not a State historical society can meet the requirements of a department such as is

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<sup>a</sup> See Mr. Robert T. Swan's admirable paper descriptive of the work of the Massachusetts Public Record Commission, in the Annual Report of the American Historical Association, 1901, Vol. I, pp. 95-112. Mr. Swan has been the commissioner for a number of years, and its excellent work has been developed under his direction.

proposed. In a large measure, yes; but as respects the care, custody, and supervision of archives and public records, no. So far as I have been able to discover, no existing society, however useful its work and extensive its operations, undertakes or is in position to undertake the functions of archivist. Indeed, such a course would not be practical, and doubtless for that reason has never been attempted. Therefore, even if liberal aid be granted the State historical society and it successfully meets public expectation in the accumulation of historical materials, there is still the problem of the archives. Inasmuch as they must occupy the first place in any consideration of organized State aid, any plan which does not rationally and scientifically deal with them must be rejected. In stating this conclusion, it must be understood that there is involved no hostility to a State historical society, to which aid can be voted as well as to other agencies. There is nothing incompatible in the existence of a department and the existence of a society. An ideal condition supposes both, each in active and successful operation. They would bear pretty much the same relation to each other as the State library and the State library association, the State department of public health and the State medical society, the department of public instruction and the State educational association, the department of agriculture and the State agricultural society, etc.

Although briefly outlined, I think that I have made clear my position in favor of the administration of State aid in the main through a separate department of the State government. The principle is not new; I simply propose a new application. Such a department, organized from the beginning on a broad and permanent basis, and so adjusted as to maintain harmonious relations with other departments of state and with the various historical societies of the State, would fully and admirably meet the duty of the State in the premises. In Alabama the establishment of such a department is believed to have satisfactorily settled all of the questions and difficulties involved in the problems under discussion. The act creating the department, which I append to this paper, is so framed as to cover the entire range of subjects thought to demand attention.

I shall now claim your indulgence while I briefly narrate the progress of the movement in Alabama which has resulted in the establishment of the Department of Archives and History, with some account of its practical workings. And here I may be pardoned for calling your attention, with some degree of pride, to the fact that Alabama is the very first State to respond to the full measure of her duty in such a way. Other States have given assistance to the cause of history in various ways, but Alabama is the very first to elevate and dignify the whole subject by creating a separate department of State, correlating other State departments, with headquarters at the seat of government and presided over by an officer of the same dignity as other State officers. Mississippi, in just one year less a day from the date of our law, established a department similar to ours in practically all respects.

This department, known as "The Department of Archives and History," is a separate department of the State government, correlating the remaining departments of State, charged with a specific body of duties, and having a clear, well defined, and hitherto undeveloped field of operation. Created by a separate act of the legislature (approved February 27, 1901), its constitution is to be found fully set forth and presented therein. It is maintained through appropriations made in the act, and also by an appropriation contained in the general appropriation bill of February 13, 1903. The act of establishment declares that—

The objects and purposes of the said department are the care and custody of official archives, the collection of materials bearing upon the history of the State and of the territory included therein from the earliest times, the completion and publication of the State's official records and other historical materials, the diffusion of knowledge in reference to the history and resources of the State, the encouragement of historical work and research, and the performance of such other acts and requirements as may be enjoined by law.

In order to systematically and clearly meet the requirements of the objects and purposes set forth by the act, the work and activities of the department have been resolved and grouped, for administrative purposes, as follows: (1) Administration, (2) publication, (3) State and local archives, (4) library, (5) historical art gallery, (6) museum,

(7) Alabama war records, (8) diffusion of knowledge in reference to the history and resources of the State, (9) the encouragement of historical work and research, and (10) special activities.

#### ADMINISTRATION.

The administration of the department is simple. Its headquarters are in the State capitol. It is under the control of a board of nine trustees, whose powers and duties are supervisory. The board holds an annual meeting and is self-perpetuating. The "immediate management and control" is vested in a director, who is elected by the board for a term of six years. He is qualified and commissioned as other State officers. He is as completely and fully in control of the work of his office as any other official in the public service. A maintenance fund is provided, out of which necessary clerical help is paid and expenses of postage, express, freight and drayage, binding, the purchase of books and of other articles are met.

#### PUBLICATION.

The work of publication is regarded as of great importance. The specially authorized publications are the annual reports of the director to the trustees, with accompanying historical papers and documents, and a biennial "Official and Statistical Register." The register is a valuable statistical compilation, preserving in an official way the current facts of the State's history. The director's reports embrace the administrative work of the office for the period covered and also much valuable historical material each year. "The completion and publication of the State's official records and other historical materials," as a specific duty, is being met by the compilation of a series of State papers, an Alabama local history collection, and a series of histories of Alabama commands in the war between the States. Occasional bulletins and circulars are issued for diffusing information and for the development of department activities.



## STATE AND LOCAL ARCHIVES.

The official manuscript books, records, documents, letters, and files of the State, as contained in its several offices, departments, and boards, are technically the State archives. These are of the highest value to the historian. They also have a great practical value for business purposes, as oftentimes large property as well as delicate personal interests are dependent upon them. Since the foundation of our territorial government in 1817 these records have normally accumulated in large numbers, and with the multiplication of offices they have still further increased. With limited office room and with the necessity for all available space for current business purposes, the early official records have in many cases been neglected, and in some instances have been destroyed. No officer or administration, however, is chargeable with this neglect, indifference, and inattention.

In order to remedy the evil and to avoid further losses, the legislature in establishing this department not only charged it with "the care and custody of official archives," but embodied the word "archives" in the department designation or title itself, thus evidencing its profound interest in the subject. The department is, in part, therefore, for practical purposes, a hall of records. Its importance, dignity, and practical value to the people of the State becomes more than ever manifest.

The words "official archives" are properly construed to mean only the manuscript books, records, documents, letters, and files not in current use. In the "care" enjoined the plan of the department involves the assortment, arrangement, labeling, filing, indexing, and cataloguing of the entire body of the records committed to its "custody." They are thus made easily available for use, consultation, and transcription by students, lawyers, business men, and others who may have occasion to consult them.

The act of establishment provides (sec. 4) that "any State, county, or other official is hereby authorized and empowered in his discretion to turn over to the department for permanent preservation therein any official books, records, documents, original papers, newspaper files, and printed books not in current use in their offices." Some rare and valuable books and files have been collected under this authorization, but owing

to lack of space no special effort has as yet been made to systematically bring together the materials contemplated in this provision.<sup>a</sup>

#### LIBRARY.

In the collection of the materials bearing upon the history of the State, special effort has been directed to securing everything of a printed and documentary character. A large number of new books and of pamphlets have been secured and the nucleus formed for a very fine collection. The department is now receiving practically all issues of the Alabama newspaper press. The following outline will indicate the classes of books and papers being collected, viz:

(1) All books and pamphlets whatever, relating to Alabama, its people, or any part of its history.

(2) All Alabama public and legislative documents and pamphlets, official reports, etc.

(3) All writings of Alabama authors.

(4) All Alabama educational and religious literature, such as journals of conventions, conferences, and associations; and catalogues or announcements of educational institutions.

(5) All old and current files of Alabama newspapers, magazines, or other periodical publications.

(6) All maps of Alabama, or of its counties, towns, or particular localities, as well as old and rare maps of America.

(7) Miscellaneous historical works and publications.

(8) Manuscripts and documents—old private letters and correspondence, letter books, diaries, journals, scrap-books, weather notes, manuscript maps, old account books, surveyor's note or field books, journals of participants in the Indian or other wars, and manuscript church or school registers.

#### HISTORICAL ART GALLERY.

The collection of oil paintings, crayons, views, and photographs already made has far exceeded the most sanguine expectations. These number several hundred and, placed on exhibition, form one of the most attractive features of interest in the historic old capitol. In the collection are

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<sup>a</sup> See *infra* for an elaborate report on Alabama archives.

some specimens from the masters. Collections of photographs are being made of the members of our several constitutional conventions, also of all the principal officers of Alabama commands in the war between the States, also of Alabama authors, etc. Effort is directed to securing the following general classes for exhibition and permanent preservation, viz:

- (1) Likenesses of all persons prominent in Alabama history, as well as of all prominent persons.
- (2) Drawings or photographs of historic localities, historic houses, and beautiful or picturesque scenery in the State.
- (3) Collections of engravings or art volumes.
- (4) Statuary, bronzes, etc., of any subject.
- (5) Valuable paintings or drawings of any subject.

#### MUSEUM.

The museum to be built up is designed to embrace each and every object or article which properly comes within the scope of museum collection. These embrace, among other things:

- (1) Relics of pioneers and pioneer life, as articles of dress, implements of labor, implements of the chase, and household furnishings.
- (2) Relics and personal belongings of eminent Alabamians, as library desks or tables, chairs, knives, dirks, dueling pistols or other firearms, stock, knee or shoe buckles, drinking cups, watches, chains, snuffboxes, and canes.
- (3) War relics, as uniforms, swords, arms, and equipment. This includes all wars of the United States.
- (4) Indian relics, as pottery, weapons of all kinds, personal ornaments.
- (5) Modern work, when specially notable from being unique in design or the first of a class of article manufactured or introduced.

#### ALABAMA WAR RECORDS.

The act charges the department with the "duty of making special effort to collect data in reference to soldiers from Alabama in the war between the States" and "to cause the

same to be prepared for publication as speedily as possible." It was felt that next to the current business of the department the compilation, for publication, of the records of Alabama troops is of the very first importance. In the performance of this duty the director has labored diligently. Large numbers of rolls have been recovered.

The department has also in process of compilation a series of narrative histories or historical sketches of all commands from our State in the war between the States.

#### DIFFUSION OF KNOWLEDGE IN REFERENCE TO THE HISTORY AND RESOURCES OF THE STATE.

The diffusion of knowledge in reference to the history and resources of the State has proceeded with as much thoroughness as has been possible with the limited resources at command.

The department stands ready to respond to every proper call for assistance on any and all subjects connected with Alabama or its history. This assistance already given has taken a great variety of forms, some of which are (1) supplying war records, (2) transcribing documents, (3) verification of historical references, (4) response to inquiries in reference to books, ancestral data, archæological data, and for pamphlets and official documents, (5) consultation by the Daughters of the American Revolution, the United Daughters of the Confederacy, and other patriotic societies, etc.

The history of Alabama is a long record of achievement and endeavor; and its resources are wonderful in richness, variety, and extent. The attempt has been made to widen the information of the people, not only of Alabama, but those beyond our borders, in respect to these things. Hundreds of official and other documents have been distributed, and special assistance has been given several of the great libraries of the country in completing sets of Alabama material. In this way students who resort thither will have the opportunity of using Alabama experiences and examples in their researches and studies. In addition to this, whenever public men or others have been in need of Alabama documents, or official or other publications, an endeavor has been made to supply them.

To render the usefulness of the department greater for the future, all Alabama documents, papers, reports, bound books, bulletins, and other publications which can be located are being collected and preserved. Too little attention has been paid these heretofore, and numbers have been destroyed. The collections thus made will be invaluable when the people of the State are aroused to the important character of such material and attempt to make up complete sets.

The newspapers of the State have been sympathetic and cordial, and several historical contributions, prepared under department direction or suggestion, have appeared in their pages.

#### ENCOURAGEMENT OF HISTORICAL WORK AND RESEARCH.

The interpretation of the duty of the department in reference to the encouragement of historical work and research has been broad and liberal. An attempt has been made to arouse greater interest in the subject of history itself by means of lectures, press notes, informal conferences, and by correspondence. The value of history in schools has been pointed out to teachers and students, and the importance of accurate and impartial text-books has been urged. The preparation of local, church, and family histories, and historical studies in special subjects has been encouraged, and every assistance has been afforded, not only in suggestions and criticism as to form and methods of preparation, but also in actually supplying materials.

The Colonial Dames, the Sons of the Revolution, the Daughters of the American Revolution, the United Confederate Veterans, the United Daughters of the Confederacy, the United Sons of Confederate Veterans, and all other patriotic organizations have been materially aided. The director is the chairman of the historical committee of the Alabama Division, United Sons of Confederate Veterans, an associate member of the historical committee, United Daughters of the Confederacy, and an adjunct member of the historical committee, United Confederate Veterans. He is also the secretary of the Society of the Sons of the Revolution in the State of Alabama, and has been diligent in his efforts to locate Revolutionary relics and the graves of all soldiers of the Revolution buried in the State.

Interest in the Alabama Historical Society has been earnestly fostered, and the director, who is its secretary, is also the editor of its "Publications." Much substantial work in local history has been accomplished by the Iberville Historical Society, Mobile; the Tennessee Valley Historical Society, Huntsville, and the Old St. Stephen's Historical Society, St. Stephens, in all of which the department has been a valuable coadjutor.

Students everywhere are invited and urged to use the department collections, and every facility is extended in their researches. Special invitation has been extended the historical seminaries of several of the great American universities to make use of the department material in the advanced work of their students.

#### SPECIAL ACTIVITIES.

In meeting the full measure of its responsibility the department has projected plans for the development of sundry special activities not embraced in those heretofore described. These may be summarized as the commemoration of historic events or anniversaries, the acquisition of historic places or localities, the erection of monuments, the marking of historic sites or houses, mound exploration, cooperation with societies and other institutions engaged in historical, literary, library, or kindred work, and the encouragement of State support in behalf of historical enterprise.

#### ACQUISITION OF HISTORIC PLACES OR LOCALITIES.

It accords with an enlightened and grateful sentiment to respect the evidences of the former aboriginal occupation of the State, and to venerate the scenes of the exploits of her people in arms, or the place of occurrence of some historic event, or the spot where the great ones of the State first came into existence or where they sleep the last sleep. There are many places in Alabama which are famous by association with some such incident. Lists of these have been made, and if possible they are to be obtained either by donation or purchase. When secured it is probable that some of them may be preserved and beautified as public parks, while others will be merely marked in some permanent manner.

## ERECTION OF MONUMENTS AND THE MARKING OF HISTORIC SITES OR HOUSES.

There are many points and places of great historic interest in the State not included in the class just named, and which should be durably marked in some suitable way, either by a memorial stone, mural or other tablet, with appropriate inscriptions. Such monuments or memorials will become "object lessons in local history." The actual marking of such points or places properly belongs to local authorities or societies or public-spirited citizens. The part of the department therein is limited to necessary investigation into the history of the place, or the occasion, or the event to be commemorated or marked.

## ARCHÆOLOGICAL INVESTIGATIONS.

Archæological investigations in Alabama have heretofore been substantially "limited to ignorant search for treasure or to the spasmodic digging of the seeker after relics." In order that further work might be conducted under intelligent direction, and in order to bring into State custody the results of all future mound examination, to the department was appropriately committed "the direction and control" of "the exploration of prehistoric and Indian mounds and other remains existing in the State." A systematic plan of exploration has not yet been developed. Only the most thorough and scientific investigations will be conducted.

## COOPERATION WITH SOCIETIES OR INSTITUTIONS ENGAGED IN HISTORICAL, LITERARY, LIBRARY, ARCHÆOLOGICAL, AND OTHER KINDRED WORK.

The activities of the department have not been limited to local effort. Through the membership of its director in historical, literary, library, archæological, and other societies cooperation has been extended in the accomplishment of their aims and objects. While attending their meetings and participating in the proceedings and discussions, the director has not only been able to give help to others, but he has received valuable hints and suggestions which have been utilized in his department work. It is felt that Alabama should be a real part in shaping the larger affairs of the day.

## STATE SUPPORT FOR HISTORICAL WORK.

In the renaissance of interest in history and historical work and enterprise in the South the department has done what it could to increase that interest and to give it proper shape and direction. It is but natural that it should urge the establishment of similar departments in other States. Hundreds of copies of the act of establishment have been distributed, and sympathetic response has been made to numberless inquiries concerning its plan of administration.<sup>a</sup>

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<sup>a</sup> Perhaps a fuller statement ought to be made than appears on page 251, *supra*, as to the relation of the Alabama Historical Society to the department. On the establishment of the latter, at its annual meeting, June 3, 1901, the society formally turned over to the department its collections already brought together, and also relinquished the work of collecting historical objects and materials carried on by it. It was decided that the society should continue its work, modified as stated, (1) for the purpose of stimulating interest in history and historical investigation in the State through its membership; (2) to provide a body of students for regular meetings for historical discussions; (3) to aid in the collection of historical objects; and (4) to raise from its fees additional funds for publication. In order to centralize all historical forces, the headquarters of the society were permanently fixed at Montgomery June 3, 1901.

The society, therefore, continues its work as heretofore, with the exception of the collection of materials, etc. It is planned that the publications of the society shall embrace studies in the history of the State and such unofficial materials as are of value. Its recent publications are as follows: *Transactions*, 1897-98, vol. II (1899; 8vo. pp. 204); *Transactions*, 1898-99, vol. III (1899; 8vo. pp. 251); *Transactions*, 1899-1903, vol. IV (1904; 8vo. pp. 639); and *Report of the Alabama History Commission*, 1900 (Miscellaneous Collections, vol. I; 8vo. pp. 447).



ACT OF THE GENERAL ASSEMBLY ESTABLISHING THE  
DEPARTMENT OF ARCHIVES AND HISTORY.

[No. 476. S. 526.]

AN ACT to establish a Department of Archives and History for the State of Alabama, to prescribe its functions and duties, and to provide for its maintenance.

DEPARTMENT CREATED—OBJECTS AND PURPOSES.

SECTION 1. *Be it enacted by the general assembly of Alabama,* That there is established for the State of Alabama a "Department of Archives and History," to be located in the State capitol in apartments to be set aside for its use by the governor; and the objects and purposes of the said department are the care and custody of official archives, the collection of materials bearing upon the history of the State, and of the territory included therein, from the earliest times, the completion and publication of the State's official records and other historical materials, the diffusion of knowledge in reference to the history and resources of the State, the encouragement of historical work and research, and the performance of such other acts and requirements as may be enjoined by law.

BOARD OF TRUSTEES—POWERS, AUTHORITY, AND DUTIES.

SEC. 2. *Be it further enacted,* (1) That said department shall be under the control of a board of nine trustees, one from each Congressional district, and the names of the said trustees, with their particular terms of service, are as follows, viz: Peter J. Hamilton, for the First Congressional district, to serve two years; Jefferson M. Falkner, for the Second district, to serve two years; W. D. Jelks, for the Third district, to serve two years; J. H. Johnson, for the Fourth district, to serve four years; W. H. Blake, for the Fifth district, to serve four years; Henry B. Foster, for the Sixth district, to serve four years; Oliver D. Street, for the Seventh district, to serve six years; William Richardson, for the Eighth district, to serve six years, and Samuel Will John, for the Ninth district, to serve six years, the beginning of the several terms of service for the purposes of this act to be January 1, 1901.

(2) The said board shall have the power and authority to fill all vacancies occurring therein, whether by expiration of term of service or by death or resignation, but the names of all newly elected members shall be communicated to the next ensuing regular session of the State senate for confirmation, and in case it shall reject any of the said newly elected trustees, it shall proceed forthwith to fill the vacancy or vacancies by an election.

(3) All trustees appointed to succeed the present members or their successors whose respective terms shall have fully expired shall serve for a term of six years, and appointees to fill vacancies by death or resignation shall only serve out the unexpired terms of their predecessors.

(4) The said board shall, within ten days after the approval of this act, proceed to organize said department. It shall hold at the State capitol at least one regular meeting during the year, and as many special meetings as may be necessary, and at said meetings five members shall constitute a quorum.

(5) The governor of the State shall be ex officio a member of the said board, and he shall, as far as possible, lend every encouragement to the success and upbuilding thereof.

(6) The director hereinafter provided shall be the secretary of the board.

(7) The trustees shall receive no compensation for their services other than the amounts of their traveling expenses actually paid out while in attendance on the meetings of the board or on the business of the department.

(8) The said board is empowered to adopt rules for its own government, and also for the government of the department: to elect a director, and to provide for the selection or appointment of other officials or employees as may be authorized; to provide for the publication of historical material pertaining to the State under the supervision of the director; to have the direction and control of the marking of historic sites or houses, and the exploration of prehistoric and Indian mounds and other remains existing in the State; to control and expend such appropriations as may be made for the maintenance of the department; and to do and perform such other acts and things as may be necessary to carry out the true intent and purpose of this act.

#### THE DIRECTOR—POWERS AND DUTIES—SALARY—OFFICIAL BUSINESS.

SEC. 3. *Be it further enacted*, (1) That the department shall be under the immediate management and control of a director, to be elected by the board of trustees, whose term of service shall be six years, and until his successor is elected and qualified.

(2) He shall take an oath of office as other public officials, and shall be commissioned in like manner.

(3) He shall devote his time to the work of the department, using his best endeavor to develop and build it up, so as to carry out the design of its creation, and shall receive for his services the sum of eighteen hundred (\$1,800.00) dollars per annum, payable monthly, as other State officials, and a continuing appropriation for the said annual salary is hereby made.

(4) He shall have the control and direction of the work and operations of the department, he shall preserve its collections, care for the official archives that may come into its custody, collect as far as possible all materials bearing upon the history of the State and

of the territory included therein from the earliest times, prepare the biennial register hereinafter provided, diffuse knowledge in reference to the history and resources of the State; and he is charged with the particular duty of gathering data concerning Alabama soldiers in the war between the States.

(5) He shall make an annual report to the board of trustees, to be by them transmitted to the governor, to be accompanied by such historical papers and documents as may be deemed of importance by him, and the director shall contract for the printing and binding of the said report, which shall be paid for as other public printing and binding.

(6) He shall prepare for the press, contract for and supervise the publication of volume two of the "Report of the Alabama History Commission," the said volume to be similar to volume one of said report as to printing, paper, and binding, and to be paid for out of the public printing fund to be available after October 1, 1901.

#### DEPOSITORY FOR OFFICIAL RECORDS.

SEC. 4. *Be it further enacted*, That any State, county or other official is hereby authorized and empowered, in his discretion, to turn over to the department for permanent preservation therein any official books, records, documents, original papers, newspaper files, and printed books not in current use in their offices. When so surrendered copies therefrom shall be made and certified by the director upon the application of any person interested, which certification shall have all the force and effect as if made by the officer originally in the custody of them and for which the same fee shall be charged, to be collected in advance.

#### OFFICIAL AND STATISTICAL REGISTER.

SEC. 5. *Be it further enacted*, That an official and statistical register of the State of Alabama shall be compiled every two years by the director, to contain: (1) brief sketches of the several State officials, the members of Congress from Alabama, the supreme court judges, the members of the senate and house of representatives of the State of Alabama; (2) rosters of all State and county officials; (3) lists of all State institutions, with officials; (4) State and county population and election statistics, and (5) miscellaneous statistics; and said register shall be published in an edition of one thousand copies for free distribution, the printing and binding to be paid for as other printing and binding hereinbefore provided.

#### ALABAMA WAR RECORDS.

SEC. 6. *Be it further enacted*, That the department is charged with the duty of making special effort to collect data in reference to soldiers from Alabama in the war between the States, both from the War Department at Washington and also from private individuals, and to cause the same to be prepared for publication as speedily as possible.

## MAINTENANCE FUND.

SEC. 7. *Be it further enacted*, That in addition to the salary of the director hereinabove appropriated, the sum of seven hundred (\$700.00) dollars annually is hereby appropriated for the maintenance of the said department, and the auditor is hereby authorized to draw his warrant on the State treasurer for the whole or any part of the said amount, in such sums and in such manner as may be authorized by the board of trustees. All printing, blanks, circulars, notices, or forms which may be needed for the use of the said department, that may be embraced in class four of the public printing act, shall be executed by the public printer, and shall be paid for as other official work done by him.

Approved February 27, 1901.

(General Laws of Alabama, 1900-1901, pp. 126-131.)

H. Doc. 429, 58-3—17



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XIV.—REPORT OF THE PROCEEDINGS OF THE FIRST ANNUAL  
MEETING OF THE PACIFIC COAST BRANCH OF THE  
AMERICAN HISTORICAL ASSOCIATION. *Pacific coast branch*

By MAX FARRAND,

*Professor of History, Leland Stanford Junior University, Secretary of the  
Pacific Coast Branch.*



**REPORT OF THE PROCEEDINGS OF FIRST ANNUAL MEETING  
OF THE PACIFIC COAST BRANCH OF THE AMERICAN HISTORICAL  
ASSOCIATION.**

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**By MAX FARRAND, Secretary of the Pacific Coast Branch.**

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The first annual meeting of the Pacific Coast Branch of the American Historical Association was held in San Francisco on Friday, November 25, and Saturday, November 26. The first session was on Friday evening in the art gallery of the Mechanics' Pavilion. In the absence of the president, Mr. Horace Davis, the Hon. James D. Phelan consented to act as chairman. In assuming the chair Mr. Phelan spoke briefly upon the importance of San Francisco history, referring to the location of the city as the gateway to the Pacific, and he claimed that here had developed an American people. He emphasized the importance of having its history rightly written, because the history of San Francisco was largely the history of California. He spoke appreciatively of the work of the American Historical Association and of the relation of local historical societies to that body, and welcomed the establishment of the Pacific Coast Branch.

Benjamin Ide Wheeler, president of the University of California, was introduced to speak upon "History in the University." He referred to the fact that the Pacific Coast Branch had been established largely through the efforts of members of the faculties of the University of California and of Stanford University. Its establishment met with his cordial approval because it indicated and encouraged the cooperation that existed in the forces in the two universities that make toward work in history. He welcomed its establishment as a protest against the provincial isolation of the Pacific coast. The Pacific coast was a magnificent province,



but it was still a province. It had developed a character of its own, estimable in every respect, but it was still isolated. He welcomed it as a meeting ground for persons, and especially for scholars, who were interested. The most significant part of President Wheeler's remarks was that devoted to the place of historical study in the university. He explained briefly how history had differentiated itself out of philology and had developed another point of view. The development of historical study had gradually been accompanied with other studies that are themselves different, but together they constituted a group expressing the genius of humanistic studies. History, government, and the science of social institutions should be the center of the so-called humanities in the university. To-day, considering the age of the students in our universities, there was no group of studies exercising so molding and so beneficial an influence as this group of studies.

Mr. Frank J. Symmes, president of the Merchants' Association, spoke appreciatively of the establishment of the Pacific Coast Branch and the work that it could accomplish. The great natural opportunities of the West established a corresponding duty. The call of the West was to be men, to be citizens, to be worthy of their glories. He welcomed the opportunity to ally himself with this association, which could do so much to place the history of the West in its proper relation to the history of the rest of the country and of the world.

Nathan Abbott, professor of law at Stanford University, read an interesting and scholarly paper on "The Saxon and the Latin in California." Passing over the differences between these two races that are usually discussed, Professor Abbott devoted his attention to the struggle between the systems of law as represented by these two peoples—the Spaniard standing for the civil law, the American for the common law—and described briefly the way in which the common law had triumphed.

Prof. H. Morse Stephens, of the University of California, in his characteristic and entertaining way, described the work of the American Historical Association and the possibilities of the Pacific Coast Branch.

After the appointment of the usual committees by the chair, the meeting adjourned, and most of those who were present remained in the hall to examine an interesting collection of historical objects relating to the early history of California, which had been gathered through the efforts of Mr. Frederick J. Teggart, librarian of the Mechanics' Institute, and a member of the programme committee.

On Saturday morning, in the Mechanics' Institute, a teachers' session was held, at which Dr. George C. Thompson, principal of the Alameda High School, acted as chairman. Prof. Bernard Moses, of the University of California, opened the session with a paper on "The Teaching of Civics in the High School," in which he discussed the position which this study should occupy in the curriculum, the character of the work, and the sort of training that the teacher should have. Incidentally, Professor Moses expressed his opinion that the subject should be taught by men rather than by women, an expression that, unfortunately, distracted attention from the more important parts of the paper.

Prof. Max Farrand, of Stanford University, spoke upon "The Teaching of History," emphasizing the importance of more effective work in history and the possibilities in this line on the Pacific coast. He announced the decision of the Executive Committee to recommend the appointment of a committee on the teaching of history in schools on the Pacific coast, and asked for an expression of opinion from teachers present as to the possibilities of such a committee's work.

A sharp and interesting discussion followed, which was opened by Frederick Burk, president of the San Francisco Normal School, who took somewhat radical ground and emphasized the necessity of more practical work in history teaching in preparation of our students for the duties of citizens. Mr. F. H. Clark, of the Lowell High School, and Dr. R. D. Hunt, principal of the San Jose High School, took strong but conservative positions somewhat in opposition to Mr. Burk. Miss Edith Jordan, of the Merced High School, emphasized the necessity of making history interesting to the pupils, and expressed her belief that little beyond that could be accomplished in the first years. Mrs.

L. D. Lawhead, of the Woodland High School, gave an interesting account of her own experiences in the teaching of history and civics. Mrs. Mary Prag, of the Girl's High School, in an extremely bright manner related certain results from her own experience, and claimed that such a teacher as Mrs. Lawhead was the best refutation possible of Professor Moses's claim that civics could be taught successfully only by men. Mr. L. D. Inskip, of the Oakland Polytechnic, followed, and Prof. Thomas R. Bacon, of the University of California, took sharp issue with Mr. Burk, claiming that the logical result of the latter's contention would be the elimination of history teaching entirely. Prof. E. G. Franklin, of the University of Pacific, was the last speaker, for the chairman was forced to close the session, owing to the lateness of the hour, although there were many who were evidently eager to express their opinions on the topics that had been broached.

At the close of the teachers' session a short business session was held, at which Prof. Thomas W. Page, of the University of California, presided. A brief report was made by the secretary-treasurer, and adopted. The executive committee reported the following resolutions:

1. Whereas it seems desirable to hold a meeting of the Pacific Coast Branch of the American Historical Association in Portland during the Lewis and Clark Exposition:

*Resolved.* That a committee of three be appointed to consider the feasibility of such a meeting, and if their report is favorable, the executive committee may authorize them to act with power.

2. *Resolved.* That a committee of five, with power to add to their own number, be appointed to investigate and report upon the teaching of history in schools on the Pacific coast.

3. Whereas it is desirable that definite information should be obtained upon the material available for the study of Pacific coast history; and

Whereas it is important that an organized effort should be made for the better preservation of such material:

*Resolved.* That the executive committee be instructed to appoint a committee to investigate and report upon these subjects, as soon as the way may be devised to meet the expenses of such an investigation.

The report was adopted.

The committee on nominations, Prof. E. D. Adams, chairman, Prof. Thomas W. Page, and Principal R. D. Faulkner, reported in favor of the reelection of all officers for the ensuing year, which report was adopted unanimously.

The executive committee announced the following appointments:

As delegate to the council of the American Historical Association (in the absence of the president, Mr. Horace Davis): Prof. H. Morse Stephens.

Committee on meeting at Lewis and Clark Exposition: Prof. C. A. Duniway, chairman; Prof. Joseph Schafer, University of Oregon, and Prof. F. G. Young, University of Oregon.

Committee on teaching of history: Dr. George C. Thompson, chairman; Principal R. D. Hunt, San Jose High School; Mr. E. I. Miller, Chico Normal School; Prof. H. Morse Stephens, University of California; Dr. Henry L. Cannon, Stanford University.

At 1 o'clock on Saturday a luncheon was held in the red room of the Occidental Hotel, which was attended by some sixty persons. After luncheon Prof. H. Morse Stephens, acting as toastmaster, spoke of the purpose of the luncheon as a place where the regular formalities of the sessions were laid aside and family acquaintances were made, and gave an account of such functions at the meetings of the American Historical Association. He therefore forbade professional or pedagogic discussion, and without giving any previous notice called on Prof. C. A. Duniway, Mrs. Laura Bride Powers, and Mr. F. J. Teggart, who responded in turn with brief speeches entirely in keeping with the spirit of the occasion.

Saturday afternoon a session on Pacific coast history was held. The Hon. J. V. Coffey, president of the California Historical Society, acted as chairman. Mr. Robert E. Cowan, a recognized authority on questions of bibliography, especially those relating to Pacific coast history, read a scholarly paper entitled, "Bibliographical Notes on Early California." He contrasted the bibliography of California with that of other localities, commenting upon the absence of early productions of a local press, as the earliest imprint from the California press bears the date of 1833; and he

described briefly the wealth of Pacific coast manuscripts. The paper included a number of notes upon the earliest works dealing with California history, and was followed by a brief statement of some of the publications before and immediately after the American conquest.

Mr. Zoeth S. Eklredge, from photographic copies in the Sutro Library of certain Spanish documents, some of which have been translated and printed by the Historical Society of Southern California, had prepared and read a careful and interesting account of the two voyages of Vizcaino—1596 and 1602—and the later expedition of Portola of 1769 and 1770, which resulted in the discovery and occupation of “the famous port of Monterey.”

Theodore H. Hittell, the veteran historical writer of California, was present. Though he was unwilling to read a formal paper, in answer to questions he told many delightfully interesting facts about the gathering of the material for his “History of California,” and especially of his use of the records in the surveyor-general’s office.

A resolution was adopted requesting the Postmaster-General of the United States to restore to the post-offices of California the historical names which were given by the Spanish founders, but which have since been mutilated and changed so as to lose their significance.

The committee on resolutions, Prof. T. R. Bacon, chairman; Principal J. B. Newell, and Mr. Z. S. Eldredge, presented a series of resolutions expressing the thanks of the Pacific Coast Branch to the Mechanics’ Institute for its hospitality to the gentlemen who had presided over the sessions without official obligation, and to the programme committee and others who had contributed to the usefulness and pleasure of the meeting.

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XV.—BIBLIOGRAPHICAL NOTES ON EARLY CALIFORNIA.

By ROBERT ERNEST COWAN.

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## BIBLIOGRAPHICAL NOTES ON EARLY CALIFORNIA.<sup>a</sup>

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By ROBERT ERNEST COWAN.

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In the annals of recorded history, ancient or modern, there is perhaps no section of territory that in its growth and development presents so many remarkable features as does that of California, whose entire history is almost a unique annals of romance and reality.

Discovered in 1542 by Juan Rodriguez Cabrillo (if we disregard the earlier and somewhat apochryphal claims of Ulloa, Alarcon, and Melchor Diaz), California appears to have lain dormant for more than two and a quarter centuries, and, considering the temper and disposition of the period, this fact is at least worthy of passing notice.

Columbus had added to the map of the world the shadowy outline of a western continent; Cabot and Vespucci had projected these outlines further; and succeeding the discoveries of these great pioneers, the next half century witnessed the greatest explorations and the most feverish lust for conquest the world has ever known.

Balboa had discovered the Pacific Ocean; Magellan, beating through the strait that yet bears his name, had plowed the trackless Pacific to India; Vasco di Gama had rounded the Cape of Good Hope; Pizarro, Cortez, and Bernal Diaz had invaded and planted the banner of Spain in the ancient empires of the Incas and Montezumas; further, many hardy adventurers had sailed into unknown waters, or had explored pathless wastes beset by savage men scarcely less wild than savage beasts.

In the full flush of this fever came Cabrillo, landed at the Bay of San Diego, where he remained for six days, and which he named San Miguel, the expedition proceeding along

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<sup>a</sup> Read at the meeting of the Pacific Coast Branch of the Association, November 26, 1904.



the coast northward until Mendocino Bay was reached and named. After the death of Cabrillo, who lies in an unknown grave upon this coast, his pilot, Ferrelo, succeeded to the command. A report of the expedition was transmitted to the viceroy, the vessel sailed away, and thenceforth for two and a quarter centuries, practically unknown save to its aboriginal children, California slumbered in oblivion, bathed in the sunlight of its perennial summer.

In actual fact, during this long period a few explorers sailed along the coast of what is now known as California, some of whom effected a landing. The principal of these have been Sir Francis Drake, in 1579; Francisco Gali, 1584; Sebastian Rodriguez de Cermeñon, in 1595, and Sebastian Viscaino, in 1602. The object of these expeditions, save that of Drake, was in no wise concerned with colonization, but was chiefly the hope of discovering a northwest passage and the yet mythic Strait of Anian. The Spanish navigators also entertained some indefinite notion of finding a harbor that would be of service to the Philippine vessels.

The accounts of these expeditions will be found in many sources, but mention of the earliest is sufficient. The original diary of Cabrillo is among the Spanish archives of Seville. Further accounts of this and the others may be found in the collections of Ramusio,<sup>a</sup> Hakluyt,<sup>b</sup> Torquemada,<sup>c</sup> Herrera,<sup>d</sup> Burney,<sup>e</sup> and other contemporary authorities, besides references which exist in a great number of later works.

Drake's narrative will be found in his "World Encompassed,"<sup>f</sup> published in London in 1653.

The bibliography of California is as varied in its many aspects as is the history of the State. Some of the familiar features so common to the bibliography of other localities, especially to the eastward of the Mississippi, are in that of California almost entirely wanting, more particularly those

<sup>a</sup> Ramusio, G. B. *Navigation et Viaggi*. Venice, 1563-1574. 3 volumes.

<sup>b</sup> Hakluyt, Rich. *The Principal Navigations*. London, 1598-1600. 3 volumes.

<sup>c</sup> Torquemada, Juan de. *Monarquia Indiana*. Madrid, 1723. 3 volumes.

<sup>d</sup> Herrera, Ant. de. *Hist. General*, etc. Madrid, 1725-1730. 4 volumes.

<sup>e</sup> Burney, James. *Chronological History of Discoveries in South Sea*. London, 1803-1817. 5 volumes.

<sup>f</sup> Drake, Francis. *Sir Francis Drake Revived*. London, 1653.

relating to town history, genealogy, and the history and linguistics of the American Indians. These important features, which form the body of history of every eastern locality, constitute little more than a tenth part of the bibliography of this State. The absence of early productions of a local press is also noticeable. The earliest imprint from a Californian press bears the date of 1833—almost two centuries after the establishment of the press of New England—and the entire number of documents issued from this press is about 60, most of which are broadsides of but a single sheet.

On the other hand, the bibliography is especially wealthy in certain features in which the other localities are more or less entirely deficient. In this enumeration may be mentioned the great number of works relating to the gold discovery; the many printed documents upon the Spanish and Mexican land claims, which comprehend also the history of the Californian missions and the Pious fund; the extensive literature of the Chinese question; and finally, though to a lesser extent, the history of the several vigilance committees.

But if there be these discrepancies and differences in the bibliography of the printed documents relating to Californian history, their presence is not evidenced in the manuscript documents of this territory. Here is wealth even to prodigality. Every feature of sociology is presented; every phase of history can be found. The many affairs of the State—political, civil, military, official, commercial, and domestic—are all amply and even extravagantly represented. The State archives in the office of the surveyor-general of California have probably never been fully enumerated, but are estimated at many thousands. The manuscripts in the Bancroft Library add to these many thousands more, and if there be included the great mass of manuscript material that exists elsewhere—some in scattered institutions, some in the possession of the Catholic Church, and others retained in private hands—this feature of the bibliography of California is a formidable one and fabulously rich in resource.

The aggregate number of these various manuscript documents can be left only to conjecture, but some faint indication of the use of the word thousands may be formed if we cite the fact that the collection of the Vallejo documents alone

numbers 20,000, which is perhaps not much more than 5 per cent of the entire number of California's historical documents.

For obvious purposes the bibliography of California may be divided into three periods—from 1510 to 1768, from 1769 to 1848, and from 1849 to the present time.

Prior to 1769, generally speaking, the name "California" was applied to what is now known as Baja, or Lower California, but as at that time no dividing line existed such references are properly included in the bibliography of Alta, or Upper California. The term "the Californias" was in vogue for nearly two centuries.

The earliest mention of the name "California" is to be found in the "*Sergas da Esplandian*," by Montalvo,<sup>a</sup> published in Seville in 1510. This antedates the actual discovery of California by over forty years, and is of course purely imaginary. Strangely enough this fact remained in obscurity and forgotten for three hundred and fifty years, being brought to light by Edward Everett Hale<sup>b</sup> as late as 1862.

Following Cabrillo's report in 1542, for the next two centuries there are but few printed authorities on California. Drake's "*World Encompassed*" is perhaps the most important, although the old geographers gave California a considerable share of attention. Nearly all of the old collections of voyages contain a map of California. The earliest figure California as a peninsula, which practice was continued during the sixteenth century. In some cases the location and configuration was remarkably correct; in others exceedingly doubtful. In some maps California is found joined to Mexico; in others it extends to the Arctic, and there ends at the Straits of Anian, or, the latter being ignored, is joined directly with Asia. The inspiration of one early cosmographer who outlined California as an island was followed by nearly all others for two centuries; in fact some geographical works published as late as 1800 continue to describe California as an island.

The old cartographer apparently regarded it of importance that California should exist on his map, and in placing

<sup>a</sup> *Sergas de Esplandian*. Seville, 1510 et seq.

<sup>b</sup> Hale, Edw. E. Name of California. In *Amer. Antiq. Soc. Proceed.*, April, 1862.

it seems frequently to have followed a childlike device. The child drawing the semblance of the human face feels and observes the necessity of investing the drawing with an eye, but is not always careful nor happy in the placing of that feature.

So with the old geographers. The name California identifies without doubt their conception of its location, but inspection of most of these old maps shows that California was usually made to occupy a vacant space above Mexico, of greatly varied form and extent. Probably the earliest known map of California is one reproduced by Kunstmann,<sup>a</sup> in his "Atlas of the Earliest Maps Relating to America." The original is a manuscript map in the royal archives of Lisbon, the date being uncertain, but ascribed to about 1540. This map shows California to be a peninsula, the western coast of which is continued to the Arctic, to the Straits of Anian, where it ends apparently only for the reason that the chart sheet also ends there. This, as Bancroft observes, was frequently done to allow the geographer to set down the names of all the bays, islands, and cities that he fancied existed.<sup>b</sup>

After the settlement of Lower California the items of bibliography become more numerous. A work published in London in 1686 contains an account of the "Descent of the Spaniards upon the Island of California." In one of the volumes of the "Lettres Edifiantes,"<sup>c</sup> of the Jesuits, in 1705, will be found descriptions by Le Gobien and Picolo, Jesuit missionaries, with the famous map of Padre Eusebius Kino, which has been frequently reproduced in later works. Then come such authorities as Edward Cooke,<sup>d</sup> Woodes Rogers,<sup>e</sup> Betagh,<sup>f</sup> Shelvocke,<sup>g</sup> and others. Shelvocke, in writing in 1726, asserts it as probable that gold exists in every mountain in California. Cabrera Bueno's "Navegacion Especulativa"<sup>h</sup> (Manila, 1734), contains accounts of the coast line, with charts.

<sup>a</sup> Kunstmann, Friedr. *Die Entdeckung Amerikas*. Mayence, 1859. 2 volumes.

<sup>b</sup> Bancroft, H. H. *History of California*. San Francisco, 1884. Vol. 1, p. 108.

<sup>c</sup> *Lettres Edifiantes de la Comp. de Jesus*. Paris, 1705. Vol. 5.

<sup>d</sup> Cooke, Edw. *Voyage to South Sea*. London, 1712. 2 volumes.

<sup>e</sup> Rogers, Woodes. *Cruising Voyage Round the World*. London, 1718.

<sup>f</sup> Betagh, William. *Voyage Round the World*. London, 1728.

<sup>g</sup> Shelvocke, George. *Voyage Round the World*. London, 1726. Page 400.

<sup>h</sup> Cabrera Bueno, J. G. *Navegacion Especulativa*. Manila, 1734.

Another remarkable and almost unknown work is the Latin thesis of one Gemeling, printed in Marburg in 1739, bearing the title "A Geographical Dissertation upon the True Site and Condition of California."<sup>a</sup>

The Jesuit missionaries Kino, Ugarte, and Consag, with others, have also left accounts, both manuscript and in print.<sup>b</sup>

The great work and body of authority of this period is that of Padre Miguel Venegas,<sup>c</sup> in reality the work of a Jesuit named Burriel. This is a work of much extent and importance. It contains the history—natural, civil, and missionary—much about the aborigines, and much of biography of the early founders. No work on California has been more popular nor better known. It appeared at Madrid in 1757, and in ten years was translated into English, Dutch, French, and German.

Another curious work published at this time, but almost absolutely unknown, is an Italian tract printed at Rome, 1759.<sup>d</sup> It relates to the discoveries of the Russians upon the northwest coast of America, with accounts of their encroachments in California.

A few other works, such as the anonymous "Apostólicos Afanes,"<sup>e</sup> (Barcelona, 1754), and Lockman's "Travels of the Jesuits,"<sup>f</sup> complete this period.

Heretofore all of the works mentioned have referred almost entirely to Lower California. With the establishment of the mission settlements at San Diego, Monterey, and San Francisco, a new epoch begins, the works being more numerous and more definite in character. Two accounts of the expeditions that resulted in the establishments exist, the imprint being Mexico, 1770.<sup>g</sup> These are pamphlets of 3 and 4 leaves, which accounts for their extreme rarity.

Costanso, a Spanish engineer, inspected and charted the coast of California.<sup>h</sup> This work, which was published in

<sup>a</sup> Gemeling, J. *Dissertatio Geographica de vero Californiæ Situ et Conditione*. Marburg, 1739.

<sup>b</sup> Backer, A. A. de. *Bibl. des Ecrivains de la Comp. de Jesus*. Liege, 1853-1861. 7 volumes.

<sup>c</sup> Venegas, Mig. *Noticia de la Cal.* Madrid, 1757. 3 volumes.

<sup>d</sup> Torrubia, G. *I Moscoviti nella California*. Rome, 1759.

<sup>e</sup> *Apostólicos Afanes*. Barcelona, 1754.

<sup>f</sup> Lockman, John. *Travels of the Jesuits*. London, 1762. 2 volumes.

<sup>g</sup> Monterey. *Extracto de Noticias*. Mexico, 1770.

<sup>h</sup> Costanso, Miguel. *Diario Histórico de los Viages de Mar y Tierra al Norte de Californias*. Mexico, 1770.

Mexico, was carefully guarded by the Spanish nation, which then feared that the English might take California, and but few copies are now extant.

Jacob Baegert,<sup>a</sup> a Jesuit, after a residence of eighteen years in California, published in Mannheim in 1772 an account of the country. Perhaps no man ever wrote an impersonal book with more bitterness of heart. According to Baegert, the country was absolutely unfitted for habitation; it was inhabited by wild and ferocious beasts; peopled by inhospitable and cruel savages; water was unfit for use; wood was scarce; the soil could not sustain life.

The Government of Mexico printed in 1784 the "Reglamento,"<sup>b</sup> or "The Rules and Regulations for the Government of the Californias." Like most of the Mexican documents of this period, this work is of most unusual occurrence.

Other important works of this time are the well-known "Life of Junipero Serra"<sup>c</sup> (Mexico, 1787); Clavijero's "History of California,"<sup>d</sup> in Italian; Arricivita's "Crónica Seráfica,"<sup>e</sup> and Sales's "Tres Cartas."<sup>f</sup> This latter is three letters on California, written by a priest to his friend. In addition to the geography of the country, the work contains accounts of the Indians; the affairs of the Jesuits, Franciscans, and Dominicans; and the Nootka Sound affair. It is also of interest that this has been the only work on California published by the Dominicans. Costanso's diary, already mentioned, was translated into English by William Revely,<sup>g</sup> and published in London in 1790. It contains, among other maps, plans of San Francisco and Los Angeles.

In a collection of voyages published at Madrid in 1799<sup>h</sup> will be found an account of California, by an unknown writer, one of the most important and extensive to that time.

During the latter part of the eighteenth century and ex-

<sup>a</sup> Baegert, J. *Nachrichten von der Amerik. Halbinseln Californiens*. Mannheim, 1772; also 1773.

<sup>b</sup> *Reglamento para el Gobierno de la Provincias de Californias*. Mexico, 1784.

<sup>c</sup> Palou, Fr. *Vida de Junipero Serra*. Mexico, 1787.

<sup>d</sup> Clavijero, F. S. *Storia della California*. Venice, 1789. 2 volumes.

<sup>e</sup> Arricivita, J. D. *Crónica Seráfica y Apostólica*. Mexico, 1792.

<sup>f</sup> Sales, Luis. *Noticias de Californias*. Valencia, 1794. 3 volumes.

<sup>g</sup> Revely, William. *Hist. Journal of Expedition by Sea and Land to the North of California*. London, 1790.

<sup>h</sup> P., D. P. E. *California*, 1799. In *Viajero Universal*, vol. 26. Madrid, 1799.

tending well into the nineteenth, California was visited and explored by many admiralty expeditions of England, France, and other nations. These works are all of much value, being of scientific as well as of historic interest. Among these are La Perouse, Sutil y Mexicana, Krusenstern, Kotzebue, Choris, De Mofras, Wilkes, Belcher, and others.

A few narratives were written by sailors and overland travelers. Morrell's "Narrative of Four Voyages to the South Sea,"<sup>a</sup> published in 1832, contains accounts of California. Jedidiah Smith, who came overland to California in 1826, left a narrative which appeared in a French geographical publication,<sup>b</sup> but which was not issued separately. James O. Pattie, leaving St. Louis, journeyed to California in company with his father in 1828. They were apprehended as spies by Governor Echeandia and imprisoned, during which captivity the elder Pattie died. This narrative was published in Cincinnati in 1833.<sup>c</sup>

Of these early travels two printed narratives exist which are almost completely unknown. In 1838 Zenas Leonard made an overland journey and came in sight of the Pacific at a point somewhere between San Francisco and Monterey. His narrative was published in Clearfield, 1839.<sup>d</sup> Johnson and Winter traveled from Fort Independence to California in 1841, their narrative appearing at Lafayette, 1842.<sup>e</sup> Comment upon the rarity of these works is unnecessary.

During the last twenty years of their domination the Mexicans issued some works on California, a number of which relate to the Pious fund. Two, however, are notable exceptions. The council of public works printed in the city of Mexico, in 1827, a collection of documents relating to the affairs of upper California.<sup>f</sup> An examination of these discloses the curious fact that at that time a project

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<sup>a</sup> Morrell, Benjamin W. *Narrative of Four Voyages*. New York, 1832.

<sup>b</sup> Smith, Jed. *Excursion à l'ouest Monts Rocky*, 1826. In *Nouv. An. Voy.*, vol. 37.

<sup>c</sup> Pattie, J. O. *Personal Narratives*. Cincinnati, 1833.

<sup>d</sup> Leonard, Zenas. *Narrative of Adventures*. Clearfield, 1839.

<sup>e</sup> Johnson, Overton, and Winter, W. H. *Route Across the Rocky Mountains*. Lafayette, 1842.

<sup>f</sup> *Junta de Fomento de Californias. Coleccion de los Trabajos*. Mexico, 1827.

was formed to establish a line of vessels from Monterey to China, to be called the Mexican-Asiatic Company, a plan which never materialized.

A collection of documents by Manuel Castañares (Mexico, 1845)<sup>a</sup> contains an account of the discovery of gold in California in 1844, four years earlier than that of Marshall, but so rare is this work that this fact came to light but recently.

Among the works relating to the Pious fund is that by Carlos Antonio Carrillo (Mexico, 1831).<sup>b</sup> This is the first printed literary work of a native Californian.

In the year 1833 a local press was established at Monterey and continued until 1844. The productions were chiefly broadside proclamations of the governors, all of which are excessively rare, but specimens of most may be found in the archives. Eleven little books were printed. These are even of less common occurrence, as of several of them, but one copy is known to be in existence.<sup>c</sup>

Following the conquest in 1846 the local press was reestablished, this time by Americans. The publication of newspapers began at Monterey August 15, 1846.<sup>d</sup> Sundry proclamations by the military governors were also published. In 1847, at San Francisco, a pamphlet containing some special laws of the town council was printed, one copy of which was recently brought to light, though it appears heretofore to have been altogether unknown to the student of these matters.<sup>e</sup>

The first book printing in San Francisco was in 1849,<sup>f</sup> closely followed by Sacramento in 1850,<sup>g</sup> Benicia<sup>h</sup> and Coloma<sup>i</sup> in 1851, and in Stockton in 1852.<sup>j</sup>

<sup>a</sup> Castañares, Manuel. *Colección de Documentos Relativos al Departamento de Californias*. Mexico, 1845.

<sup>b</sup> Carrillo, Carlos Antonio. *Exposición Sobre el Fondo Píadoso*. Mexico, 1831.

<sup>c</sup> Cowan, Robert E. *The Spanish Press of California, 1833-1844*. San Francisco, 1902.

<sup>d</sup> Californian, Monterey, August 15, 1846. Colton and Semple, editors.

<sup>e</sup> *The Laws of the Town of San Francisco*. San Francisco, 1847.

<sup>f</sup> Wierzbicki, F. P. *California as It Is, and as It May Be*. San Francisco, 1849.

<sup>g</sup> Benton, Jos. A. *California as She Was: As She Is: As She Is to Be*. Sacramento City, 1850.

<sup>h</sup> Werth, John J. *Dissertation on the Resources of California*. Benicia, 1851.

<sup>i</sup> Slater, Nelson. *Fruits of Mormonism*. Coloma, 1851.

<sup>j</sup> Carson, J. H. *Early Recollections of the Mines*. Stockton, 1852.



The investigator of the bibliography of California will find, in addition to the anomalies already mentioned, a fact that is a very positive one and not easily understood nor appreciated by him who may have pursued similar studies upon the Atlantic coast. This is the scarcity of copies of books and other documents published here since the formation of the State. There are but few works printed in New England after the year 1700 that are not more plentiful than most of our works published since 1849, and this has been strongly influenced by special causes—the number of copies of the individual work was usually at no time large; the character of the population was unsettled and shifting; there was during the first decade an almost complete absence of family and domestic life; this and most other towns were ravaged by successive and widely disastrous fires, which almost invariably involved the newspaper and the printing offices; the neglect by the public libraries of early days to secure and preserve local material, and, finally, the unhappy success of the ignorantly disposed who waste much valuable material that appears to them to be useless.

Each year witnesses the destruction and loss of some valuable material, both printed and in manuscript, and these various agencies, so destructive to books, waste the priceless with the poorer material, and it will be only by systematic endeavor that the comparatively little that yet remains can be secured and preserved for those who will one day hold this generation to account.

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XVI.—THE NOOTKA SOUND CONTROVERSY.

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By WILLIAM RAY MANNING, Ph. D.

*Instructor in History at Purdue University; Fellow of the University of Chicago, 1902 to 1904.*

[The Justin Winsor prize of the American Historical Association was awarded to the author of this monograph.]

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## THE NOOTKA SOUND CONTROVERSY.

By WILLIAM RAY MANNING, Ph. D.

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## PREFACE.

The French revolutionary period contains so much of greater importance that historians have neglected the Nootka Sound incident. Of the few writers who have discussed it, the majority have written from a partisan standpoint, or, if impartial themselves, have drawn their information from partisan pamphlets. The consequence is that many errors regarding it have crept into the work of the best writers. The purpose of this monograph is to give a more extended account, drawn largely from unpublished sources, and to correct as many of the errors as possible.

Besides working over the documents that have been published and the accounts that have been written, a thorough search has been made in the archives of the Indies at Seville, in the national historical archives at Madrid, and in the British Museum and the public record office at London. A less thorough search has been made in the archives of foreign affairs at Paris and the archives of the Department of State at Washington. More than 500 pages of unpublished documents relating to the dispute have been transcribed and used. The classified bibliography at the close will make clear the sources of information and their relative value.

My acknowledgments are due to the following persons for valuable assistance: To my wife, who worked with me continually for two and a half months in the Spanish archives and the British Museum, and who has criticised my manuscript and read the proof sheets; to Prof. J. F. Jameson, whose untiring interest has been a constant source of inspiration, and to whose aid and painstaking suggestions are largely due any merits that the monograph may possess; to Prof. A. C. McLaughlin, for research in the archives at Washington; to Prof. F. J. Turner, for manuscripts and other material from his own collection. Besides these, I wish to make special mention of the kindness and assistance of Señor Pedro Torres-Lanzas, director of the archives of the Indies at Seville, and of Señor Vicente Vignau y Ballesster, director of the national historical archives at Madrid.

CHICAGO, *July, 1904.*

## CHAPTER I.

### INTRODUCTION.

Nootka Sound is a small inlet on the western shore of Vancouver Island. It was christened and made known to the world by Captain Cook in 1778. A few years afterwards a flourishing fur trade sprang up between the Northwest Coast and China. Nootka became the center of this trade, though it remained for several years without any settlement except an Indian village. On account of its sudden and growing importance, the Russians, English, and Spaniards all laid plans for occupying the port. It happened that all planned to carry out the project in the year 1789, a year that meant so much for the subsequent history of the world. Though the Nootka incident can make no claim to rank in importance with the great events of that year, yet it was destined to have an influence on the movements then started and to be influenced in turn by them.

The Russian plans were not acted upon, but the plans of the other two were. An English expedition from India and a Spanish from Mexico each sailed in the spring of 1789 to establish a colony at Nootka. The promoters of neither knew anything of the other. The Spanish commander arrived first and took possession. Nearly two months later the Englishman came. A quarrel ensued. The Spaniard seized the Englishman, imprisoned him, his officers and crew, and sent them to Mexico as a prize. A consort vessel arrived a few days later and met the same fate. Two other English vessels had been seized earlier. One of them had been released on bond and the other had been confiscated without adjudication.

The Viceroy of Mexico, instead of acting on his own responsibility, reported the matter to the Government at Madrid. The Spanish Court complained to the British that

subjects of the latter had violated the territorial sovereignty of the former, and demanded that the offenders be punished to prevent such enterprises in the future. The British Cabinet rejected the Spanish claim to exclusive sovereignty over the territory in question, and suspended all diplomatic relations until Spain should have offered a satisfactory reparation for the insult which His Britannic Majesty felt that his flag had suffered. Each Court refused to grant the demand of the other and stood firmly on the ground originally taken. To support their respective claims, both Governments made the most extensive armaments. Each nation also called upon its allies for assurances of support and entered negotiations for forming new alliances. For a time it seemed that all Europe would be drawn into war over what, on the face of it, appeared to be an insignificant quarrel between two obscure sea captains.

Speaking of the controversy Schoell says that a few huts built on an inhospitable coast and a miserable fortification defended by rocks were sufficient to excite a bloody war between two great European powers and gave birth to a negotiation which for several months absorbed the attention of all of the maritime powers of Europe.<sup>a</sup> Similar statements were made by other writers within a few years after the incident.<sup>b</sup> Most historians who have touched upon it have either treated it from a partisan standpoint or have considered it of too little importance to merit careful inquiry into the facts.<sup>c</sup>

But far from being merely a dispute over a few captured vessels and a comparatively unimportant trading post, it was the decisive conflict between two great colonial principles, of which England and Spain were, respectively, the exponents. Spain still clung to the antiquated notion that the fact of the Pacific Ocean's having been first seen by a Spaniard gave his Government a right to all of the lands of the

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<sup>a</sup> Schoell, *Histoire des Traités de Paix*, IV, 112.

<sup>b</sup> See Humboldt, Alex. von, *Essai Politique*, II, 460.

<sup>c</sup> Oscar Browning, the writer of Chapter X, in Volume VIII, of the Cambridge Modern History, recently published, gives the least prejudiced and most accurate account. However, it is very brief. He introduces the incident as an important episode in the foreign policy of Pitt. He says: "An event occurred on the other side of the world which nearly brought about a European conflagration." In preparing his brief discussion he consulted the documents in the public record office.

continent which were washed by it. This fact, added to the gift of the Pope, was sufficient to convince the Spanish mind that Spain had a valid title to the whole of the western coast of both Americas. On the other hand, England had long been acting on the now universally accepted principle that mere discovery is an insufficient title, and that land anywhere on the globe not controlled by any civilized nation belongs to that nation which first occupies and develops it.

The controversy is of further importance because of the fact that it tested the triple alliance of 1788 between England, Prussia, and the Netherlands. It also afforded the occasion for overthrowing the Bourbon family compact of 1761. It marked the end of Spain's new brief period of national greatness, which had resulted from the wise reign of Charles III. It was also the beginning of the collapse of Spain's colonial empire. Duro, one of the leading Spanish historians of the present, says that it inaugurated a period of degradation disgraceful to Spanish history, and began a series of pictures which cause anyone to blush who contemplates them with love for the fatherland.<sup>a</sup>

The settlement of the controversy determined the subsequent position of England and Spain on the Northwest Coast. Later, after the United States had bought the Spanish claim, the Nootka Sound affair became a part of the Oregon controversy. For a time the dispute threatened to change the course of the French Revolution.<sup>b</sup> It menaced the existence, or at least the expansion, of the United States. It promised to substitute English for Spanish influence in Latin America.

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<sup>a</sup> See Duro, *Armada Española*, VIII, 8-16.

<sup>b</sup> See Hassall, *The French People*, 341.



## CHAPTER II.

### THE ENGLISH PLANS FOR OCCUPYING NOOTKA SOUND.

As early as 1785 instructions were given looking toward the establishment of an English trading post on Nootka Sound. In this year an English commercial company instructed the commander of one of its vessels to establish a post on the northwest coast of America for "securing the trade of the continent and islands adjacent." King Georges [Nootka] Sound was suggested as being "in every respect consistent with the intent of forming such establishment."<sup>a</sup>

The fur trade between the western coast of America and China was at the time in its infancy, but the profits accruing from it soon made it of great importance. Captain Cook, in his voyage of 1778, had brought the possibility of the industry to the attention of English shipowners. "By the accidental carrying away of a small collection of furs, whose great value was learned in Siberia and China, he originated the great fur trade which became the chief incentive of all later English and American expeditions to these regions."<sup>b</sup> He remained a month in Nootka Sound. A number of English expeditions visited the place between this date and 1789, as did also several Spanish, French, and American. Only such of them will be discussed as have a direct bearing on the Nootka Sound controversy, and these only at such places in the narrative as their bearing becomes important. A sufficiently full account of the others may be found in the first volume of Bancroft's "History of the Northwest Coast."

The first English expedition to claim serious attention is that of 1788. It was commanded by John Meares,<sup>c</sup> a retired

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<sup>a</sup> Richard Cadman Etches to Captain Portlock, London, September 3, 1785. (Meares, *An Answer to Mr. Dixon*, 10.) The instructions were not carried out by this commander, but the same company was interested in the expedition which reached Nootka for that purpose in 1789. Nootka Sound was for a time called King Georges Sound by the English and San Lorenzo by the Spanish.

<sup>b</sup> Bancroft, *Northwest Coast*, I, 172.

<sup>c</sup> Sometimes written "Mears."

lieutenant of the royal navy. Two years before this he had been placed in charge of an expedition to the same coast by some merchants under the protection of the East India Company.<sup>a</sup> He had two vessels, the *Nootka*, commanded by himself, and the *Sea Otter*, commanded by a subordinate. The latter was lost at sea. The former spent the winter of 1786-87 in Prince William Sound, on the Alaskan coast, where, according to Meares's account, the most terrible hardships were suffered, and so many of the crew were lost that not enough remained to man the ship.<sup>b</sup> After disposing of his cargo of furs in China<sup>c</sup> he made preparations for the expedition of the following year, during which he set up the first English establishment on the coast. It was this post which, rightly or wrongly, furnished the chief basis for the stubborn persistence of the English ministry in its demands on Spain in the controversy two years later. The purpose of discussing this expedition is to study what Meares did at Nootka and find just what rights, if any, were thereby acquired for England.

It was intended that this expedition should be preliminary to the planting of an English commercial colony. In mentioning the fact that one vessel was destined to remain out much longer than the other, Meares says that she was to leave the coast of America at the close of the year and go to the Sandwich Islands for the winter. The next year she was "to return to America, in order to meet her consort from China with a supply of necessary stores and refreshments sufficient for establishing factories and extending the plan of commerce in which we were engaged."<sup>d</sup> Probably to prove the feasibility of constructing such factories, Meares took with him on this preliminary trip the material and workmen for building a small trading vessel, which would necessitate the erection of some sort of establishment to protect the workmen and tools during the process of construc-

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<sup>a</sup> Meares, Memorial, appendix to Voyages.

<sup>b</sup> This condition and the terms on which relief was offered him by Portlock and Dixon, who reached the place in the spring, led to a bitter personal quarrel between Meares and Dixon, which produced several mutually recriminating pamphlets.

<sup>c</sup> Meares, Voyages. Introductory voyage, i-xl. In this Meares quotes the letters which passed between him and Portlock in May, 1787, which gave rise to the quarrel.

<sup>d</sup> Id., 2.

tion. In the instructions for the voyage no mention is made of the vessel to be constructed or of any establishment, either temporary or permanent, but plans were laid for a second expedition. Speaking of the proposed meeting of the two vessels constituting the expedition, which meeting was to be at Nootka at the close of the summer trading season of 1788 previous to the sailing of one vessel to China with the furs collected, the proprietors instructed Meares to appoint "a time and place of rendezvous, that you may receive the instructions and refreshments we may send you next season."<sup>a</sup>

The larger vessel, the *Felice*, was commanded by Meares and was to proceed directly to Nootka, arriving as early as possible and remaining the entire season at Nootka and in the neighborhood. During the summer of 1788 it is this vessel and the operations of its commander that furnish the center of interest. The second vessel, the *Iphigenia*, commanded by Captain Douglas, subject to Meares's orders, was to spend most of the trading season on the coast of Alaska in Cooks River and Prince William Sound. When trade should slacken she was to move southward, endeavoring to reach Nootka Sound by September 1, where the two vessels were to meet.<sup>b</sup> During the first season the voyage of the *Iphigenia* is unimportant, but on its return to Nootka from the Sandwich Islands in 1789 it furnishes for a time the chief interest.

It is well to notice at the outset the double instructions and the double national character of the expedition, though the importance of the fact will become more evident later. As far as the instructions to Meares are concerned, or his repetition of them to Douglas, the ships were purely English in character, Daniel Beale, of Canton, China, being the ostensible agent. But later, when one of them came into conflict with the Spaniards, it was just as purely Portuguese to all external appearances. It was flying Portuguese colors and was commanded by a Portuguese captain, with instructions in his own language, given by a merchant

<sup>a</sup> The Merchant Proprietors to John Meares, esq., Commanding the *Felice* and *Iphigenia*, China, December 24, 1787. (Id., Appendix I.)

<sup>b</sup> Id.

of the same nationality living at Macao, China.<sup>a</sup> In these papers the real commanders appeared as supercargoes.

In Meares's narrative of the voyage no mention is made of the deception, but later, in his memorial to the British Government, he said that it was "to evade the excessive high port charges demanded by the Chinese from all other European nations excepting the Portuguese."<sup>b</sup> Dixon, in one of his pamphlets, says that the principal motive in using the Portuguese colors was to evade the South Sea Company's license.<sup>c</sup> Bancroft mentions both of these motives and suggests that the trick is not permissible unless directed against a hostile nation in time of war.<sup>d</sup> It seems to have been expected that it would enable them to avoid some anticipated danger or difficulty. However, as will be seen, this very double nationality was the first thing to arouse suspicion and get the *Iphigenia* into trouble.

The vessels sailed from China in the latter part of 1788. Besides the regular crew, each carried a number of European artisans and Chinese smiths and carpenters. The latter, Meares says, were shipped on this occasion as an experiment because of their reputed hardiness, industry, and ingenuity, and also because of their simple manner of life and the low wages demanded. He observes that "during the whole of the voyage there was every reason to be satisfied with their services," and adds: "If hereafter trading posts should be established on the American coast, a colony of these men would be a very important acquisition." Of the 90 men on the two ships 50 were Chinese. In view of the importance of the Chinese element in the population of the Western States, it is a significant circumstance that they figured so largely in this very first venture. And, con-

<sup>a</sup> See Chapter IV below.

<sup>b</sup> Meares, Memorial, Appendix to Voyages. He explains that this ruse was at first successful, but was later discovered through the financial failure of the Portuguese merchant who had allowed his name to be thus used.

<sup>c</sup> Dixon, Further Remarks on Meares's Voyages, 55. His hostility to Meares prejudices any statement made by him. See above, p. 287, note b.

<sup>d</sup> Bancroft, Northwest Coast, 1, 193. This author devotes some 10 pages to a discussion of this expedition.

Greenhow, Oregon and California, 172-178, attempts to prove that the expedition was purely Portuguese. His account is too prejudiced to be of much value. The chief purpose of his book was to prove that America had a better claim to the Oregon country than England. If this expedition had been purely Portuguese, England could have acquired no possible claim through it,

sidering the subsequent rush of these people to the New World, it is worthy of notice that on this occasion "a much greater number of Chinese solicited to enter into this service than could be received," and those who were refused "gave the most unequivocal marks of mortification and disappointment."<sup>a</sup> "On the voyage the artisans were employed in preparing articles of trade for the American market. \* \* \* The carpenters were also at work in preparing the molds and the models for a sloop of 50 tons that was designed to be built immediately on our arrival in King Georges Sound, as such a vessel would be of the utmost utility not only in collecting furs, but in exploring the coast." In speaking of the work necessary for the enterprise, Meares says: "Our timber was standing in the forests of America, the ironwork was as yet in rough bars on board, and the cordage which was to be formed into ropes was yet a cable."<sup>b</sup> On May 13, after a passage of three months and twenty-three days from China, they "anchored in Friendly Cove, in King Georges Sound, abreast of the village of Nootka."<sup>c</sup>

The natives received them in a friendly manner, and operations were soon begun to carry out their shipbuilding enterprise. Meares says:

Maquilla [the Indian chief, sometimes called "Maquinna"] had not only most readily consented to grant us a spot of ground in his territory whereon a house might be built for the accommodation of the people we intended to leave there, but had promised us also his assistance in forwarding our works and his protection of the party who were destined to remain at Nootka during our absence. In return for this kindness, and to insure a continuance of it, the chief was presented with a pair of pistols, which he had regarded with an eye of solicitation ever since our arrival.<sup>d</sup>

This is Meares's account of the transaction to which he referred in his memorial two years later as a purchase of land. It was by this transaction that the English Government claimed to have acquired a title not only to this spot, but to the

<sup>a</sup> Meares. *Voyages*, 2, 3.

<sup>b</sup> *Id.*, 88.

<sup>c</sup> *Id.*, 104. This date should probably be changed to May 12. When the English and Spanish met at Nootka in 1789 their calendars were one day apart. (See below, p. 312, note *a*.) Since there are no conflicting dates given for the events at Nootka in 1788, those found in the journals of the English commanders are followed.

<sup>d</sup> *Id.*, 114.

whole of Nootka Sound.\* There is nothing in his narrative which indicates that at the time Meares had any thought of acquiring a permanent title, either for himself or for his Government. Neither is there any unmistakable indication to the contrary. Under these circumstances any title to sovereignty thus acquired would have to depend on subsequent operations.

With the assistance of the natives, work on the house advanced rapidly, and on May 28, fifteen days after their arrival, it was completed. It had two stories. On the ground floor were a workshop and storeroom and in the upper story were a dining room and chambers for the party. "A strong breastwork was thrown up around the house, enclosing a considerable area of ground, which, with one piece of cannon, placed in such a manner as to command the cove and the village of Nootka, formed a fortification sufficient to secure the party from any intrusion. Without this breastwork was laid the keel of a vessel of 40 or 50 tons, which was now to be built agreeable to our former determination."<sup>b</sup> While this was being done the ship had been repaired and refitted for a trading cruise to the southward. All was in readiness for departure on June 11. On the day previous the party to be left at Nootka was landed with articles to continue the brisk trade which had sprung up, and also supplies for the completion of the new vessel and enough provisions to fit it for a voyage to China should misfortune prevent the return of the *Felice* or the arrival of her consort, the *Iphigenia*. A formal visit was paid to the chief, Maquilla, to acquaint him with the intended departure and to secure his attention and friendship to the party to be left on shore. Meares adds: "As a bribe to secure his attachment he was promised that when we finally left the coast he should enter into full possession of the house and all the goods and chattles thereunto belonging."<sup>c</sup> This statement

\* The purchase is confirmed in the information of William Graham, London, May 5, 1790 (Inclosure No. VI, with Meares's Memorial, appendix to Voyages). It was also confirmed by Duffin in conversation with Vancouver in 1792. (Vancouver, Voyages, II, 370-372.) Both of these have strong English prejudices. The purchase is denied by Gray and Ingraham. (Greenhow, Oregon and California, 414.) They strongly favored the Spanish. They say that the Indians denied having sold land to the English. That there was a purchase was practically conceded, however, even by the Spaniards, since Quadra offered to Vancouver in 1792 the land on which Meares's house had stood in 1788. (See Vancouver, Voyages, II, 335 ff.)

<sup>b</sup> Id., 115-116.

<sup>c</sup> Id., 130.

is quoted by Greenhow as conclusive proof of the merely temporary character of the establishment.<sup>a</sup> If the promise was made in good faith, it would seem that the position was well taken, did not the subsequent conduct of Meares indicate the contrary! On the occasion of this visit other presents were made to the chief and members of his family. The narrator continues: "Maquilla, who was glowing with delight at the attentions we had paid him, readily granted every request that we thought proper to make, and confirmed with the strongest assurances of good faith the treaty of friendship which had already been entered into between us."<sup>b</sup> Nothing further is said of this treaty or of its terms. If some more tangible evidence of it appeared, it might be a valuable link. The mere statement that such was made is of interest as indicating the policy of Meares, which, however, would have been the same whether he expected to retain an establishment at Nootka or simply to make subsequent visits for trading. It is possible, too, that the treaty was only a temporary arrangement to last during the one visit.

The *Felice*, with Meares and most of the crew, spent the next two and a half months in a combined trading and exploring cruise to the southward, returning to Nootka once during the time and remaining two weeks. This trip has no direct bearing on the Nootka incident, but throws some side lights on Meares's policy and the national character of the expedition. He tells of a treaty made at Port Cox and gives something of its terms. It established trade relations with three chiefs. Apparently it excluded all competitors, though this is not so stated;<sup>c</sup> but on seeing a vessel pass Nootka, some two months later, he at once set out for Port Cox lest the chief should be tempted "to intrude upon the treaty he had made with us."<sup>d</sup> On reaching the place he found large quantities of furs, indicating that the treaty had been kept. It may be, however, that no opportunity had been presented for breaking it. The chief inquired earnestly concerning Meares's return next season.<sup>e</sup>

In another place Meares says: "We took possession of the

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<sup>a</sup> Greenhow, *Oregon and California*, 175.

<sup>b</sup> Meares, *Voyages*, 131.

<sup>c</sup> *Id.*, 146, and *Memorial* in appendix.

<sup>d</sup> *Id.*, 95.

<sup>e</sup> *Id.*, 204.

Straits of Juan de Fuca in the name of the King of Britain, with the forms that had been adopted by preceding navigators on similar occasions."<sup>a</sup> In mentioning this ceremony in his memorial he makes the additional statement that he purchased a tract of land within the said straits. A party sent to examine the straits was attacked by the natives after a few days and abandoned the enterprise.<sup>b</sup> This subsidiary expedition plays an important part in the controversial writings on the conflicting claims to the Oregon country. On August 24 the *Felice* returned to Nootka. Three days later her consort, the *Iphigenia*, arrived.

In less than a month more the new vessel was completed. On September 20 it was launched with what Meares considered very impressive ceremonies. It was christened "the *North-West America*, as being the first bottom ever built and launched in this part of the globe." He says that the British flag was displayed on the house and on board the new vessel.<sup>c</sup> This statement regarding the use of the British flag should be noticed, since Greenhow states, and Bancroft gives it a qualified indorsement, that "there is no sufficient proof that any other [than the Portuguese flag] was displayed by them during the expedition."<sup>d</sup> Statements are made by other men that the Portuguese flag was used at Nootka during the summer.<sup>e</sup> In the engraving in Meares's narrative illustrating the launching, three British flags are represented.<sup>f</sup> There is at least one other very plain

<sup>a</sup> Meares, Voyages, 173, and Memorial in appendix.

<sup>b</sup> Id., 173-179.

<sup>c</sup> Id., 220.

<sup>d</sup> Greenhow, Oregon and California, 172; and Bancroft, Northwest Coast, I, 194.

<sup>e</sup> Dixon, Further Remarks on Meares's Voyages, 24. This writer, in his controversial pamphlet, quotes from a letter of Captain Duncan, who had met Meares near the entrance to Nootka Sound in 1788. This letter makes the statement that Meares had "at that time a small vessel on the stocks at Nootka, where, he told me, he had a fort, guns mounted, and Portuguese colors flying." It was written January 17, 1791, and can hardly be given absolute credence, since Dixon was so prejudiced against Meares. Greenhow is too partisan to be fair, and the Americans, Gray and Ingraham, and Haswell, whom Bancroft quotes on the point, were very pro-Spanish. On the other hand, Meares's statements can not be taken for truth unless it is very plain that there is no reason for his telling anything else.

<sup>f</sup> Meares, Voyages, 220. It is doubtful whether this testimony can be considered of any value. As to the truthfulness of the picture, it is interesting to notice the Indian village in the background. He had said that before this the entire village had been moved some 30 miles up the sound for the winter.



indication of the use of the British flag by the expedition. It is found in the instructions of Meares to Funter, who was to command the *North-West America*. They are dated Friendly Cove, Nootka Sound, September 10, 1788, and say: "You are on no account to hoist any colors until such time as your employers give you orders for this purpose, except on taking possession of any newly discovered land; you will then do it, with the usual formality, for the Crown of Great Britain."<sup>a</sup> If these instructions were really given, and the statement is true which is quoted above regarding taking possession of the Straits of Juan de Fuca, it must be admitted that Meares considered at the time that his expedition was English and that whatever rights might be acquired by it for any nation were acquired for England.

Four days after the new vessel had been completed Meares departed for China in the *Felice*, carrying with him the furs collected by both vessels. The *North-West America* was placed under the orders of Douglas, the commander of the *Iphigenia*. Before departing, Meares had given him extended orders regarding wintering at the Sandwich Islands, and his conduct on the coast during the next season.<sup>b</sup> On October 27 the two remaining vessels left Nootka for the winter.<sup>c</sup>

In the instructions just mentioned nothing is said regarding any settlement to be made at Nootka the succeeding year. There is a statement, however, in the narrative that indicates unmistakably the intention of planting a colony of some considerable extent. The writer says that early in September, when the natives were leaving for the winter settlement up the sound, "we made these chiefs sensible in how many moons we should return to them, and that we should then be accompanied by others of our countrymen, and build more houses and endeavor to introduce our manners and mode of living to the practice of our Nootka friends." He speaks of their pleasure at hearing this and of their promise of large quantities of furs; then narrates an elaborate ceremony of coronation performed by the chief, Maquilla,

<sup>a</sup> Meares, *Voyages*, appendix, Memorial, VI.

<sup>b</sup> Meares to Douglas, *Felice*, Friendly Cove, in King Georges Sound, September 20, 1788. (Meares, *Voyages*, Appendix V.)

<sup>c</sup> *Id.*, 334.

and his companions, which, he says, was intended as a recognition of his superiority and sovereign power over them.<sup>a</sup> If Meares understood that by this childish act of crowning he acquired for Great Britain sovereign rights over the district, he makes no effort to emphasize the fact. The statement, if true, is of more value as showing a definite intention to establish a colony the following year. It is not impossible, however, that both of these are cunningly contrived and rather overdrawn fabrications of a later date to strengthen his case before the Government or in the eyes of the public. Greenhow and Bancroft both seem to draw a line between Meares's narrative and his memorial, considering the former more trustworthy since the latter was written for the express purpose of convincing the cabinet of the justice of his cause. If the narrative were the original log of the vessel instead of a subsequent account simply using that log as its basis, the reason for the distinction would be clear. But besides the indications in the preface and the date, November 16, 1790, attached to the preface, there are internal evidences that the narrative was not written, at least not completed, until Meares knew of the operations of the Spaniards at Nootka in 1789. Hence there is no reason why it should not be influenced by the same partisanship and selfish interest.<sup>b</sup>

But whether he really did or did not make the statement to the chiefs in September, 1788, concerning planting a colony the next year, he proceeded exactly as he would be expected to have proceeded had he made it. The question as to what became of the house built in 1788, whether it was given to the chief as promised, or whether it was torn down by Douglas before leaving for the Sandwich Islands, according to the testimony of the American captains, Gray and

<sup>a</sup> Meares to Douglas, *Felice*, Friendly Cove, in King Georges Sound, September 20, 1788. (Meares, *Voyages*, Appendix V, p. 217.)

<sup>b</sup> Note his reference to the killing of Callicum by the Spaniards in 1789. (Meares, *Voyages*, 118; also see 217, 218, referring to Colnett's expedition of 1789.) His preface would lead one to think that the writing of his narrative was entirely an afterthought. He mentions as his motives the wishes of friends, the political circumstances of the moment [the diplomatic controversy with Spain], and public expectation. He says: "I little thought it would be my future lot to give this part of my maritime life to the world. If I had looked forward to the possibility of such an event I should have enlarged my observations and been more minutely attentive," etc. But the fact that in his list of subscribers he gives the names of a number of men living in China shows that before leaving there, at least, he expected to publish his narrative. All of this tends to depreciate the value of his statements where his interests are at stake.

Ingraham,<sup>a</sup> does not greatly affect the case, if the Englishmen really intended to continue the occupation in 1789, as they unquestionably did. If there were nothing else to consider, and if the title to sovereignty rested wholly on actual occupation, whether that occupation be by persons of a public or private character, then England had a better claim than Spain to the sovereignty of Nootka Sound at the beginning of the year 1789. But there are other things to consider. It remains to be seen whether or not they outweigh this English advantage.

The next man to demand careful attention in studying the English preparations for occupying Nootka is Capt. James Colnett, also a lieutenant in the royal navy. He had been a midshipman with Captain Cook and had served for several years on a man-of-war.<sup>b</sup> In the autumn of 1786 he left England, in command of the ship *Prince of Wales*, owned by Etches & Co., of London. This company held a license from the South Sea Company good for five years after September 1, 1786, for trading in the South Sea and other parts of America.<sup>c</sup> Colnett went to the South Sea by way of Cape Horn. He reached the northwest coast in 1787, collected a cargo, and continued his voyage to China, where he disposed of it.<sup>d</sup> While in China he became identified with Meares's project for planting a colony at Nootka. The latter, after his arrival in China in the autumn of 1788, had set about preparations for the expedition of the succeeding year. While he was engaged in this, Colnett reached Canton. Since the latter carried a license from the South Sea Company, Meares saw an advantage to be gained by enlisting his services, as this would give governmental sanction and protection to the proposed establishment. Meares and

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<sup>a</sup> Gray and Ingraham to Quadra, Nootka Sound, August 3, 1792. (Greenhow, *Oregon and California*, 414.) (Prejudiced.)

<sup>b</sup> Colnett, *Voyage*, vii.

<sup>c</sup> Spanish translation of an extract from the "License from the governor and company of merchants of Great Britain for trading in the South Sea and other parts of America, to Richard Cadman Etches and Company to trade in the places where the South Sea Company has the privilege by an act of Parliament." (MS. Arch. Gen. de Indias, Seville, 90-3-18.) It was signed by the secretary of the company and dated August 4, 1785. They were forbidden to trade south of 45° on the northwest coast. (See Colnett to the Viceroy, October 1, 1789; Arch. Gen. de Indias, Seville, 90-3-21.)

<sup>d</sup> Spanish translation of Colnett to the Viceroy, October 1, 1789. (Id.)

his associates formed a joint stock concern with Etches & Co., through the agency of John Etches, who accompanied Colnett's expedition as supercargo. As the *Prince of Wales* was to return to England, a new ship was purchased and named the *Argonaut*, and Colnett was transferred to it. The small ship, the *Princess Royal*, which had accompanied him on the former voyage, continued with him on this. Besides having command of the vessels, all of the concerns of the company on the American coast were committed to his charge, including the proposed colony.<sup>a</sup>

A clear notion of the character of the expedition thus placed under the command of Colnett may best be obtained by a careful examination of the instructions given to him before his departure from China. The copy of these that was submitted with Meares's Memorial is dated Macao, April 17, 1789, and signed "J. Meares, for Messrs. Etches, Cox & Co."<sup>b</sup> A Spanish translation of the same, copied from the papers that fell into the hands of the Spaniards, is signed "Daniel Beale, for himself and for Messrs. Etches, Cox & Co."<sup>c</sup> While this discrepancy has no importance in discovering the intent of the expedition, it casts a side light on the veracity of Meares. The Spanish copy is preferably to be trusted, since no motive is apparent for their changing the signature. In these instructions strictly honorable dealings and careful attention to their needs is enjoined in all his intercourse with other vessels, whether English or foreign: Cruelty to the natives is to be prevented under penalty of condign punishment for offenders. He was to form a treaty, if possible, with the various chiefs, especially those near Nootka. The purpose was to monopolize the trade of

<sup>a</sup> Meares, Memorial, appendix to Voyages. Also Colnett to the Viceroy, October 1, 1789. (MS. Arch. Gen. de Indias, Seville, 90-3-21.) The latter represents Colnett as the chief promoter, while the former represents Meares in that capacity. Colnett says that the *Prince of Wales* had broken her keel and was not in a condition to make another such a voyage, so that the correspondents of his company offered him the *Argonaut*. It seems that some difficulty had arisen over the fact that the license which Colnett bore was for his use on the *Prince of Wales*. He told the Viceroy that if he had apprehended any disadvantage arising from his change of ships it would have been easy to have named the new ship the *Prince of Wales* also. He had not considered it necessary.

<sup>b</sup> Meares, Memorial, appendix to Voyages, Inclosure II.

<sup>c</sup> Translation of the instructions given by the owners of the English ship *Argonaut* to its captain, James Colnett, not dated. (MS. Arch. Gen. de Indias, Seville, 90-3-18.)

the district and so conquer competitors honorably and creditably. They were so anxious to form such treaties that he was authorized to protect allies from insult from all persons.<sup>a</sup> The factory planned was to be a "solid establishment, and not one that is to be abandoned at pleasure." Colnett was authorized to fix it at the most convenient place, so that the colony would be protected from the least sinister accident.<sup>b</sup> It was to receive the name "Fort Pitt." R. Duffin was to be invested with the superintendence of it.

The object of the post was to attract the Indians for commercial purposes and to furnish a place to build small vessels and to lay them up for the winter season. During each winter some vessels were to be sent to the Sandwich Islands for provisions, and natives of those islands, both men and women, were to be encouraged to embark for the American colony. When this settlement should have been effected trading houses were to be established at other places along the coast where they would be the most advantageous. Preparatory to this rewards were to be offered the first season to men who would reside with different Indian chiefs for the purpose of collecting furs and assuring the natives of the return of the vessels, thus encouraging them to keep back their furs from competitors. The *Iphigenia*, which went out the preceding year under Meares's command, and also the *North-West America*, which he had built on the coast, were to be under the command of Colnett. The rest of the instructions are of no interest to the Nootka Sound Affair.<sup>c</sup>

With these instructions and with provisions for three years the two vessels sailed from China, the *Princess Royal*

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<sup>a</sup> This policy of protecting allied chiefs against their enemies was begun by Meares during the previous year. He loaned firearms and furnished ammunition to the Nootka Indians for an expedition against a neighboring tribe which had committed depredations on one of their villages. (See Meares, *Voyages*, 196.)

<sup>b</sup> Nootka was not especially mentioned, but the intention was so evident that mention was unnecessary. The option as to the place in which it was to be established probably did not refer to a possible choice between Nootka Sound and some other part of the coast, but to the selection of the most favorable spot on the sound. As showing Meares's tendency to distort facts, he says in his Memorial: "Colnett was directed to fix his residence at Nootka Sound, and, with that in view, to erect a substantial house on the spot which your memorialist had purchased the preceding year, as will appear by a copy of his instructions hereto annexed."

<sup>c</sup> Meares, Memorial, appendix to *Voyages*, Inclosure II; and MS. Arch. Gen. de Indias, 90-3-18.

in February and the *Argonaut* in April, 1789.<sup>a</sup> They carried, "in addition to their crews, several artificers of different professions and near 70 Chinese, who intended to become settlers on the American coast."<sup>b</sup> The plans are seen to have been large with hope for the future, and there seems to have been every reasonable prospect for success. Should they be successful it would mean not only a fortune for the merchant adventurers and a worthy monument to the wisdom of the projectors, but it would mean also the definite planting of the British flag on an unoccupied coast and the extension to that coast of the sovereignty of Great Britain. But while these plans were taking shape other plans were being laid elsewhere, which, before the arrival of Colnett's expedition, had totally changed the appearance of things at Nootka. A discussion of these will occupy the next two chapters.

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<sup>a</sup> Meares, *Voyages*, 106.

<sup>b</sup> Meares, Memorial, appendix to *Voyages*, Inclosure II. It is seen that a majority of the settlers for the proposed colony were Chinese, conformably to the idea that Meares expresses in his narrative and to which reference was made in the early part of this chapter. There is a discrepancy in the statements concerning the number of Chinese. In several Spanish manuscripts the statement is made that there were 20. The name of each is given. (See MS. Arch. Gen. de Indias, Seville, 90-3-18.)

### CHAPTER III.

#### THE SPANISH PLANS FOR OCCUPYING NOOTKA SOUND—THE CONFLICTING CLAIMS BEFORE 1789.

The Spanish name of most importance in connection with affairs at Nootka is that of Estevan José Martinez. Besides playing the chief rôle in the drama enacted there in 1789, which proved to be but the prelude to a greater drama played in Europe the following year, it was he who first suggested the planting of a Spanish colony at this point. This is contrary to the notion prevalent in the minds of the diplomats when the controversy was at its height, a notion which has been more or less accepted ever since, viz, that one or more of the Governments concerned had engaged in the enterprise with malice aforethought, having some ulterior end in view. These suspicions will be discussed in their proper place. At present it suffices to show, from documentary sources, the actual genesis of the original Spanish expedition.

On the return of Martinez, late in 1788, from a voyage to Alaska, where he had gone under a royal commission to investigate the Russian settlements on the coast, he reported to Florez, the Viceroy of Mexico, as follows:

Cusnich also told me that, as a result of his having informed his Sovereign of the commerce which the English from Canton are carrying on at Nootka, he was expecting four frigates from Siberia to sail next year for the purpose of making an establishment at Nootka, situated in latitude 49° 36' north and in longitude 20° 15' west from San Blas. He assured me that his Sovereign has a better right to that coast than any other power on account of its having been discovered by the Russian commanders, Behring and Estericof [Chirikov], under orders from the Russian Court in the year 1741. For this reason it seems to me advisable that an attempt should be made next year, 1789, with such forces as you may have at hand, to occupy the said port and establish a garrison in it. According to what is learned from the work of Cook and from what I saw on my first expedition to that place (which I made in 1774), it possesses qualifications which

adapt it to this purpose. By accomplishing this we shall ~~gain~~ possession of the coast from Nootka to the port of San Francisco, a distance of 317 leagues, and authority over a multitude of native tribes. [I say this, at the same time] offering myself to carry out the project, and to prove the feasibility of it I will sacrifice my last breath in the service of God and the King, if you approve it. <sup>a</sup>

This letter was written from the port of San Blas on December 5, 1788. Only eighteen days later the Viceroy wrote from the City of Mexico to the home Government that he had determined to occupy Nootka at once, although the royal orders did not warrant him in so doing.<sup>b</sup> On the same day Martinez was commissioned to carry out the enterprise, and his instructions were sent to him.<sup>c</sup> In his letter to Madrid, the Viceroy says "the essential object of this new expedition is no other, as I have indicated, than the anticipation of the Russians in taking possession of the port of San Lorenzo or Nootka." Ten days later, in justification of his action, he wrote that it was true he was forbidden to incur expenses without special royal order, but since this was an extraordinary case, demanding prompt action, he begged for the royal approval.<sup>d</sup> This approval was granted, but not until April 14, 1789,<sup>e</sup> when Martinez was already well on his way to Nootka. It could not have been known in America in time to affect the events at Nootka. Far, then, from there being any ground for the suspicion that the Spanish Government had ordered the seizure of English vessels, which resulted from this undertaking, the Madrid Government did not so much as know that the expedition was to be sent until long after it had

<sup>a</sup> Martinez to Florez, San Blas, December 5, 1788. (MS. Arch. Gen. de Indias, Seville, 90-3-18.) La Perouse, of a French scientific expedition, had reported that Russian settlements were being made on the American continent north of California. The Spanish expedition was sent under a royal order of January 25, 1787. Martinez, of the *Princesa*, was in command, and Lopez de Haro, of the *San Carlos*, was subordinate. They reported six settlements, having in all about 500 inhabitants. An autograph copy of Martinez's diary of this expedition, containing 213 pages, is in the same bundle as the above letter. It contains also the diary of Mendosla, second pilot. Greenhow, Oregon and California, 185, gives a short account of this voyage, which he says is based on a copy of Martinez's diary obtained from the hydrographical office at Madrid. Bancroft, Northwest Coast, I, 184, also gives a brief account, likewise taken from a copy of Martinez's diary.

<sup>b</sup> Florez to Valdez, Mexico, December 23, 1788. (MS. Arch. Gen. de Indias, Seville, 90-3-18.)

<sup>c</sup> Florez to Martinez, December 23, 1788. (Id.)

<sup>d</sup> Florez to Valdez, Mexico, January 2, 1789. (Id.)

<sup>e</sup> Florez to Revilla-Gigedo, Mexico, September 2, 1789. (Id., 90-3-14.) In this, mention is made of a royal order of April 14, giving approbation.



sailed. Further, even in the mind of the Viceroy, there was not the slightest thought of any interference with the English, the expedition being directed solely against the Russians. It is also seen that whatever glory it promised for Spain, or whatever opprobrium attached to Spain because of the unfortunate events connected with it, must be placed largely to the credit of Martinez. But he was not wholly responsible, since his plan was authorized by the Viceroy and later approved by the home Government.

It is a fact of some significance, as an indication of the political sagacity of the Viceroy, that he apprehended much more danger to Spanish dominion on this coast from the new United States than from England or even Russia. While the English were only mentioned in connection with the known plans of Russia, considerable space was devoted to discussing a probable attempt of the American colonies to obtain a foothold on the western coast. As proof he mentioned the fact that an American ship, which had touched at the islands of Juan Fernandez in the same year, had continued its voyage to the coast. He expressed a suspicion that it had this end in view.<sup>a</sup> He told also of an overland trip made in 1766-67 from the English colonies,<sup>b</sup> and closed his observations on this point with the prophetic statement: "We ought not to be surprised that the English colonies of America, being now an independent Republic, should carry out the design of finding a safe port on the Pacific and of attempting to sustain it by crossing the immense country of the continent above our possessions of Texas, New Mexico, and California." He added: "Much more might be said of an active nation which founds all of its hopes and its resources on navigation and commerce," and mentioned the immense value to them of a colony on the west coast of America. He continued: "It is indeed an enterprise for many years, but I firmly believe that from now on we ought to employ tactics to forestall its results; and the more since we see that the Russian projects and those which the English may make from Botany Bay, which they have colonized, already menace us." It was, then, he said, to dissipate for the future the dormant possibilities of the present that he was taking the

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<sup>a</sup> The ship was the *Columbia*. See the latter part of this chapter.

<sup>b</sup> That of Jonathan Carver from Boston.

extraordinary step of formally occupying the port of Nootka without royal authorization.<sup>a</sup>

After thus setting forth to the Government at Madrid the reasons for his action, the Viceroy outlined the plans for the expedition. It was to consist of the two vessels, the *Princesa* and the *San Carlos*,<sup>b</sup> which had constituted the expedition of 1788. They were also to retain the same officers—Martinez as commander, and Haro subject to his orders. They were to sail from San Blas early in February. A packet boat would follow in March with supplies and reënforcements, and would bring back an account of the occupation. Later, according to events, explorations of the coast to the northward and southward would be made. A land expedition was to follow, including a chief, a detachment of troops, missionaries, colonists, and live stock.<sup>c</sup>

Since the whole of the Nootka affair grew out of measures taken by Martinez while on this trip, it is worth while to examine in detail the instructions under which he was operating. After alluding to the happy termination of Martinez's voyage just ended, the Viceroy referred to the Russian plans for occupying Nootka to anticipate the English, and said "these designs of either nation are as pernicious to our country as their claims are unfounded." The Russian commanders failed to explore the ports, Florez continued, and the English captain, Cook, did not see Nootka until 1778, four years after the expedition of Perez "on which you yourself went as second pilot. For these and many other weighty reasons our just and superior right to occupy the coasts discovered to the northward of California and to forbid colonies of other nations is clear. These important objects, indeed, are embraced in the delicate expedition which I now place in your charge."

The following are his instructions:

1. The two vessels and their commanders were named.
2. They were to have the same officers and sailors as on the last voyage, with some increase of troops, and an armament correspond-

<sup>a</sup> Florez to Valdez, Mexico, December 23, 1788. (MS. Arch. Gen. de Indias, Seville, 90-3-18.)

<sup>b</sup> *San Carlos el Filipino* seems to have been the full name. It is here and often elsewhere in the documents spoken of simply as *El Filipino*. In English writings it is usually called the *San Carlos*.

<sup>c</sup> Florez to Valdez, Mexico, December 23, 1788. (MS. Arch. Gen. de Indias, 90-3-18.)

ing to the crew, and the crew were to be drilled in the use of that armament.

3. The expedition should sail not later than February 15.

4. In March the *Aranzazu* should follow with reinforcements and supplies for Nootka, as well as other settlements of New California.

5. This vessel should bring back an account of what should have happened and an estimate of the necessary supplies and reinforcements which would be returned by it or by the *Concepcion*, or both.

6. A plan of the port of Nootka, copied from Cook's work, was to serve as a guide.

7. Kindness, voluntary trade, and opportune gifts were to capture the good will of the natives; in this endeavor the discretion of the four missionaries was to be used. These were to begin at once to propagate the gospel.

8. A formal establishment was to be set up for a meeting place to treat with the Indians and for protection from the weather and from enemies.

9. This would be a manifestation of Spanish sovereignty. Part of the people were to be kept in this during the day, but returned to the ship at night for greater security.

10. "If Russian or English vessels should arrive, you will receive their commanders with the politeness and kind treatment which the existing peace demands; but you will show the just ground for our establishment at Nootka, the superior right which we have for continuing such establishments on the whole coast, and the measures which our superior Government is taking to carry this out, such as sending by land expeditions of troops, colonists, and missionaries, to attract and convert the Indians to the religion and the mild dominion of our august Sovereign."

11. "All this you ought to explain with prudent firmness, but without being led into harsh expressions which may give serious offense and cause a rupture; but if, in spite of the greatest efforts, the foreigners should attempt to use force, you will repel it to the extent that they employ it, endeavoring to prevent as far as possible their intercourse and commerce with the natives."

12. "For use with the Russians, you will keep in mind and avail yourself of the well-founded political reasons for Spain's being in intimate friendship with their sovereign Empress, viz, that the ships of that nation, both naval and merchant, are admitted to the Spanish ports of the Mediterranean and given such assistance as they may need, without which they could not subsist in those seas; that consequently it would be a grave offense for the vessels of His Catholic Majesty to suffer hostilities in America at the hands of the Russians, furnishing just cause for a breach between two friendly powers; and that in this case Spain would count on the powerful support of her French ally, besides withdrawing from Russia the privilege of obtaining supplies in the Mediterranean at a time when she finds herself engaged in war with the Turks, with Sweden, and possibly with Denmark."

13. "To the English you will demonstrate clearly and with established proofs that our discoveries anticipated those of Captain Cook, since he reached Nootka, according to his own statement, in March of the year 1778, where he purchased (as he relates in Chapter I, book 4, page 45, of his work)<sup>a</sup> the two silver spoons which the Indians stole from yourself in 1774."

14. "You will have more weighty arguments to offer to vessels of the Independent American Colonies, should they appear on the coasts of northern California, which hitherto has not known their ships. However, by a letter of the most excellent Señor Viceroy of Peru, it is known that a frigate, which is said to belong to General Washington,<sup>b</sup> sailed from Boston, in September of 1787, with the intention of approaching the said coasts, that a storm obliged her to stop in distress at the islands of Juan Fernandez, and that she continued her course after being relieved."

15. "In case you are able to encounter this Bostonian frigate or the small boat which accompanied her, but was separated in the storm, this will give you governmental authority to take such measures as you may be able and such as appear proper, giving them to understand, as all other foreigners, that our settlements are being extended to beyond Prince Williams Sound, of which we have already taken formal possession, as well as of the adjacent islands, viz, in 1779."

16. A plan of Prince Williams Sound was inclosed, for it was intended that a careful survey of the entire coast should be made between it and Nootka.

17. The *San Carlos* was to make this expedition after the establishment at Nootka should be completed.

18, 19. Instructions for the exploration.

20. The coast from San Francisco to Nootka was to be explored in like manner, the latter port being the rendezvous. The Viceroy would do all he could to contribute to the welfare of the enterprise thus placed under Martinez's charge.

21. Great care was enjoined in the treatment of the Indians and of any establishments or vessels of foreign nations that might be encountered.

22. The means to be employed to preserve health.

23. Good wishes for Divine favor and for the success of the voyage.

As an argument for use with the English, in addition to what he had given in section 13, the Viceroy added, in a postscript, reference to the instructions given by the Eng-

<sup>a</sup> This reference to Cook's Voyages reads: "But what was most singular, two silver tablespoons were purchased from them, which, from their peculiar shape, we supposed to be of Spanish manufacture."

<sup>b</sup> An obvious error, since General Washington had nothing to do with it. This was the *Columbia*. Her consort was the *Lady Washington*. Confusion arising from the name of the latter perhaps caused the error.

lish Admiralty to Captain Cook, July 6, 1776. Cook, he said, was not to touch at any port in the Spanish dominions on the west coast of America unless forced by unavoidable accident, in which case he was not to remain longer than absolutely necessary, and was to avoid giving the least cause for complaint to any of the inhabitants of the country or to vessels of His Catholic Majesty.<sup>a</sup>

The vessels sailed from San Blas February 17, 1789.<sup>b</sup> These instructions, as well as those given to the English expedition of the same year, look toward a permanent establishment at Nootka, which was to be used as a basis for future operations on the coast. Each expedition was sent without any knowledge that the other was even thought of. The instructions given to the commander of each were such as to leave no doubt in his mind as to his perfect right to carry them out. It was impossible for both to obey; hence a clash was inevitable. Before studying the occurrences at Nootka a brief examination should be made of the conflicting claims, with an attempt to discover the respective rights in the spring of 1789 before either expedition reached the common destination.

The first Englishman known to have visited Nootka Sound is Capt. James Cook. In the spring of 1778 he spent the month of April in the sound, which he explored and mapped carefully; and, being unable to learn that any European had before visited this particular part of the coast, he gave it the name of King Georges Sound, but later concluded that it would be better to call it by the native name Nootka. He obtained supplies of water, wood, fish, etc. The natives were friendly to him, and he found among them several articles, including the two silver spoons mentioned in the above instructions, which, together with the conduct of the natives, indicated that Europeans had previously been somewhere in

<sup>a</sup> Florez to Martinez, Mexico, December 23, 1788. (MS. Arch. Gen. de Indias, Seville, 90-3-18.) In the above transcript of the instructions, sections 10 to 15, inclusive, are quoted in full since they were intended to guide Martinez in his intercourse with foreigners. It will be interesting later to compare his actions with these instructions. Only the substance of the other sections is given, since they have no important bearing on the subject.

<sup>b</sup> Instrumento de posesion, June 24, 1789. (Id.) Revilla-Gigedo in his Informe gives the date February 19 for the departure from San Blas. (See Bustamante [Cavo], Los Tres Siglos, III, 127.)

the neighborhood, at least. No mention is made of his having taken possession of the place for England.<sup>a</sup> It seems that the Englishmen who were interested in the expedition of 1789 had no knowledge that any European had visited the place earlier than this visit of Captain Cook.<sup>b</sup> If they had such knowledge, they intentionally ignored it. This was looked upon as a real discovery and it was assumed that thereby England acquired such rights as discovery can give. Although Sir Francis Drake's landing on the California coast in 1579 was mentioned,<sup>c</sup> yet it seems not to have been looked upon as of very much value in establishing a claim, and, of course, was not so far north. During the years subsequent to 1785 English trading ships frequently visited Nootka. Although they were purely private undertakings, this fact had considerable value in strengthening the English claim, since they tended to develop the resources of the country. The details of these voyages are not in place here.<sup>d</sup> These, then, constitute the ground for the English claim up to the visit of Meares in 1788 and his erection of a house and building of a ship, which were treated in the last chapter.

It was clearly brought out in the diplomatic contest of 1790 that a Spanish expedition had examined with some care the whole coast up to about 55°, and had spent some time in this very port of Nootka or its immediate neighborhood four years before Captain Cook's visit. After the Spanish explorations of the sixteenth century, which had extended some distance up the California coast, there was a long period of inactivity in this part of the world due to the decay of the Government at home. When the temporary revival of national life came under Charles III there was also a revival of exploring enterprises on the western coast of America. Word reached Madrid through the Spanish ambassador at St. Petersburg that the Russians

<sup>a</sup> Bancroft, *Northwest Coast*, I, 170-172; Greenhow, *Oregon and California*, 151-153; *Cambridge Modern History*, VIII, 289.

<sup>b</sup> Deposition of the officers and men of the *Northwest America*. (Inclosure X, with Meares, Memorial, appendix to Voyages.) They say that the sound was discovered by the late Capt. James Cook. Similar statements are made elsewhere.

<sup>c</sup> Instructions of the Merchant Proprietors to John Meares. (Meares, *Voyages*, Appendix I.)

<sup>d</sup> Bancroft, *Northwest Coast*, I, 173-181, gives an account of the most important.

were making settlements on the American coast north of California. In consequence of royal orders issued the previous year, an expedition, under the command of Juan Perez, was sent from Mexico in 1774 to investigate. He had orders to examine the coast as high as 60°, but did not get beyond 55°. As he was returning he anchored early in August in a port which he called San Lorenzo, and which was later identified with Nootka Sound. Some question was raised as to its identity, but there seems to be little doubt. The latitude agrees very closely—too closely, Bancroft says. The anchorage must have been in the immediate neighborhood.<sup>a</sup> Revilla-Gigedo says it is believed that the commander took possession of Nootka, but Bancroft, who examined the diaries, asserts that he did not land anywhere to take possession for Spain. Martinez, who became so important in the expedition of 1789, was second pilot on this expedition of Perez. It was while at San Lorenzo in 1774 that the two silver spoons were stolen from him by the Indians. They are frequently mentioned in the Spanish manuscripts, and are accepted as proof positive that this expedition was at Nootka, and as thereby proving the superiority of the Spanish claim.<sup>b</sup>

In 1775, the next year after Perez's voyage, another was made by Heceta [Ezeta] with Quadra accompanying in a small vessel. The former approached the coast in the region of Nootka, but did not enter, thereupon turning his course southward. Quadra, in the little vessel, pressed onward to about the fifty-eighth degree. This expedition made landings and took formal possession for Spain of at least three points between 47° and 58°. <sup>c</sup> In 1779 a third expedition sailed from Mexico to explore the coast still farther north. It reached the sixty-first degree, Prince William Sound.<sup>d</sup> By these three expeditions the Spanish

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<sup>a</sup> Informe of Revilla-Gigedo, Bustamante (Cavo), *Los Tres Siglos*, III, 117-119. This gives a brief description of the voyage and the steps leading to it. Bancroft, *Northwest Coast*, I, 149-158, gives a description based on the diaries of the voyage. Greenhow, *Oregon and California*, also describes it.

<sup>b</sup> Florez to Valdez, Mexico, December 23, 1788. (MS. Arch. Gen. de Indias, Seville, 90-3-18.) See also above transcript of the instructions of Florez to Martinez.

<sup>c</sup> Revilla-Gigedo, Informe, Bustamante (Cavo), *Los Tres Siglos*, II, 199; Bancroft, *Northwest Coast*, I, 158-166, gives a full account.

<sup>d</sup> *Id.*, 172.

Government considered that this entire coast from California northward had been sufficiently explored and that formal possession had been taken at enough places to establish thoroughly the Spanish claim. So a royal order was given in 1780 that voyages for this purpose should cease.<sup>a</sup>

The first two of these Spanish voyages were earlier than that of Captain Cook and included practically all that he explored, though they did not examine it so thoroughly. Hence, as far as discovery alone is concerned, these should have given Spain rights superior to any that England could have acquired by Cook's enterprise, not only to Nootka Sound, but to the whole of the Northwest Coast. But, unfortunately for the Spanish claim, there is a serious flaw in the title at this point, arising from the fact that the results of these voyages were not published, except in brief accounts.<sup>b</sup> It is a serious question whether a discovery which was not made known to the world could give a claim superior to one gained by a subsequent voyage whose results were made known. Reason and justice would seem to say it could not. But, besides these explorations, Spain still clung in theory at least to her ancient claim to sovereignty over the entire American continent west of the line drawn by the treaty of Tordesillas (1494), and sanctioned by Pope Alexander VI, who had drawn the arbitrary line the previous year, dividing the world between Spain and Portugal. Only as a matter of necessity had she gradually conceded the right of other nations to occupy the eastern coast of North America, and for the same reason had recently conceded the Russian control of the western coast down to Prince William Sound. This is illustrated by the facts arising out of the forced entrance of the American ship, *Columbia*, into a port of the islands of Juan Fernandez in 1788, referred to in the instructions of the Viceroy to Martinez above.

The Spanish governor of the islands, Blas Gonzales, after relieving the vessel's distress, had allowed it to go on its way to the Northwest Coast, knowing its destination.<sup>c</sup> For this

<sup>a</sup> Informe of Revilla-Gigedo, Bustamante (Cavo), Los Tres Siglos, III, 123; Bancroft, Northwest Coast, I, 172.

<sup>b</sup> Cook, Voyages, II, 332, says: "Some account of a Spanish voyage to this coast in 1774 or 1775 had reached England before I sailed, but the foregoing circumstances sufficiently prove that these ships had not been at Nootka."

<sup>c</sup> Blas Gonzales to Juan Kendrick, Isla de Juan Fernandez, June 3, 1789 [1788]. (MS. Arch. Gen. de Indias, Seville, 90-3-18.)



act he had been summoned before the captain-general of Chile and cashiered. The captain-general was supported by the Viceroy of Peru and apparently by the home Government.<sup>a</sup> This harsh treatment was based on a royal decree of 1692, ordering all viceroys, governors, etc., to prevent foreign ships from navigating the south sea without permission from Spain,<sup>b</sup> since no other nation had, or ought to have, any territories which it was necessary for them to pass around Cape Horn to reach. It is needless to say that this claim was not respected by other governments. The Viceroy's assertion of the right of Spain to occupy the coasts and exclude colonies of other nations, quoted above from his instructions to Martinez, is another evidence. It had long been conceded by other nations that discovery alone, or even discovery with formal acts of taking possession, can not give a valid title. It is essential that some effort be made to use the land discovered and to develop its resources; and, before the claim is fully established, actual and continued possession must be taken.

With discovery, exploration, and formal acts of possession Spanish activity ceased, there being no serious effort to make any use of the territory in the way of trade, and no steps being taken to occupy the country until they were aroused to do so by reports coming from the north in 1788 that the Russians were intending to occupy. In other words, either from lack of enterprise or from policy, the Spanish did not seem to care to develop the country or make any use of it themselves, but did wish to prevent any other people from doing so. Their reason for this policy of obstruction was probably an idle pride in retaining a shadowy sovereignty over this vast territory; or, possibly, a wish to retain it as a field for future enterprise; or, more likely, the hope of being able to control the Pacific outlet of any water passage to the Atlantic that might later be discovered along this coast. In the face of modern national enterprise, something more tangible was necessary in order to retain control.

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<sup>a</sup> Blas Gonzales later appealed to the Government of the United States to intercede in his behalf, and Jefferson, the Secretary of State, took up the matter. This will be referred to later. (See Jefferson to Carmichael, April 11, 1790, Writings V, 155.)

<sup>b</sup> Royal order of November 25, 1692. (MS. Arch. Gen. de Indias, Seville, 90-3-14; Greenbow, Oregon and California, 184.)

The English people, not from any fixed national policy, but from individual initiative, were taking these necessary steps and the Government was practically compelled to follow them up. As soon as Captain Cook's voyage of 1778 had made known to the English people the possibilities of the fur trade in this region, shipowners immediately turned their attention thither. Between 1785 and 1790 no fewer than 12 or 15 British vessels visited the coast to trade with the natives, several of them making return voyages, and most of them making shorter or longer stops at Nootka.<sup>a</sup> As has been stated, steps were taken from the very first to establish a post at Nootka as a center for these trading operations. A temporary one was actually set up by Meares in 1788, and an expedition was sent out for the purpose of making this permanent the following year. Thus, up to 1789, the English were exercising more control over the region than the Spanish. Had the English plans of this year not miscarried, and had the Spanish expedition of the same year not been sent, the question as to the respective rights, at least to Nootka and the immediate neighborhood, would probably never seriously have been raised.

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<sup>a</sup> See Razon de las Embarcaciones que han hecho Descubrimiento al Norte de California. Firmado abordo de la Fragata *Princesa* en el Puerto de San Lorenzo de Nutca á 13 de Julio de 1789, Estevan José Martínez. (MS. Arch. Gen. de Indias, Seville, 90-3-18; Bancroft, Northwest Coast, I, Chs. VI, VII.)

## CHAPTER IV.

### MARTINEZ'S OPERATIONS AT NOOTKA BEFORE COLNETT'S ARRIVAL.

It was on the 5th<sup>a</sup> of May, 1789, that the Spanish ship anchored in Friendly Cove of Nootka Sound bearing Martinez with his instructions for occupying the port and planting a permanent colony that should be a substantial proof of the Spanish claim and serve as a center for spreading Spanish sovereignty over all the coast. Just ten days before this<sup>b</sup> Colnett had sailed from China with instructions and equipment to make it an English port.<sup>c</sup> During the next two months, while the Englishman was crossing the Pacific, the Spaniard was making good use of the time. When the latter reached Nootka there seems to have been no visible sign that the English had ever occupied the place or even intended to occupy it. The only evidence of civilization was one vessel under a Portuguese captain with Portuguese instructions and a Portuguese flag. It soon became known that there was also an American ship a few miles away up the sound.

It has never been conclusively proved that the house which Meares built the summer before had entirely disappeared. In a letter written three years later to the Spanish com-

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<sup>a</sup> This is the date according to the Spanish documents. The English give May 6. This difference of one day between the English and Spanish dates for the events at Nootka continues during the summer of 1789. For some time no explanation appeared. But Prof. C. H. Hull suggested that it was probably due to the fact that the English vessels came from Europe by way of China, while the Spanish came from Mexico. Since the present custom of dropping a day from or adding one to the calendar in mid-Pacific, or upon crossing the international date line, was apparently not observed at that time, the suggestion seems to be a plausible explanation. On the strength of it the Spanish dates have been adopted instead of the English. Since all previous writers in English have given the dates according to the English documents, the dates given in this monograph will disagree with those of all previous accounts.

<sup>b</sup> Meares, *Voyages*, 106.

<sup>c</sup> See Chapter II, ante.

mandant at that time the American captains, who had spent the winter of 1788-89 at Nootka, declared that when Martinez arrived there was no trace of Meares's house in the cove; that there had been a house, or rather a hut, when they arrived in the fall, but that, prior to his sailing for the Sandwich Islands, Captain Douglas had pulled it to pieces, had taken the boards on board the *Iphigenia*, and had given the roof to Captain Kendrick, who had used it as firewood.<sup>a</sup>

While there is no proof that the statement of these gentlemen is not true, yet they were too plainly prejudiced in favor of the Spanish to permit their testimony to be taken for its full face value in the absence of any corroborating evidence. There is, however, some indirect evidence to support their statement, and its value is the greater because of its being indirect, and still greater because it comes from the side of the English to whose interest it would have been to maintain the contrary. This appears in the extract which Meares quotes from the journal of the *Iphigenia*. In the entry made two days after his return from the Sandwich Islands and two weeks before the arrival of Martinez the writer says: "[We] sent some sails on shore and erected a tent to put our empty casks in."<sup>b</sup>

If their house had still been standing they would doubtless have used it for this purpose instead of erecting the tent. Further, the fact that no mention is made of the house in this journal is pretty conclusive proof that it was not in existence on their arrival. Meares's narrative of the departure of the *Iphigenia* in the preceding autumn is silent on the subject. In fact, there is no statement made even in Meares's memorial that his house was still standing; but the memorial is so written, doubtless intentionally, that the casual reader would infer that the house was still there and that evidences of English occupation were unquestionable. This is doubtless what has led most historians who have touched upon the subject, among whom are some of the best, into the error of implying or openly declaring that there was

<sup>a</sup> Gray and Ingraham to Quadra, Nootka Sound, August 3, 1792. (Appendix to Greenhow, Oregon and California.) Quadra was the Spanish commissioner sent in 1792 to carry out the Nootka convention, and was collecting evidence to strengthen the Spanish case.

<sup>b</sup> Extract from the journal of the *Iphigenia*, entry for May 22. (Inclosure XII, with Meares, Memorial, appendix to Voyages.)

a substantial English colony when the Spanish expedition arrived.<sup>a</sup>

It was also this failure of Meares to tell the whole truth that led the British Parliament and ministry into the error of believing that their rights to the place were unquestionable and that the conduct of the Spanish commandant was little better than high-handed robbery.<sup>b</sup> It is, then, pretty safe to assert that there was no indication whatever of English occupation when Martinez arrived, and that he was consequently perfectly justified in taking possession for Spain and in maintaining his position by force if it should become necessary. The question, therefore, is not, Was he justified in his first act? but, Were his subsequent acts of violence necessary to maintain his position?

Captain Kendrick, of the American ship *Columbia*, which Martinez found at Nootka, and Captain Gray, of her consort, the *Lady Washington*, which was out on a trading

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<sup>a</sup> See Lecky, *England in the Eighteenth Century*, V, 206-207, who says: "The Spaniards had never penetrated to it, but by virtue of a bull of Alexander VI they claimed a sovereignty over all lands comprised between Cape Horn and the sixtieth degree of north latitude; in other words, the entire western coast of both South and North America, and when, after a considerable interval, they discovered the existence of a British settlement in these parts they determined to suppress it. Two Spanish ships of war accordingly hastened to Nootka Sound, took possession of the British settlement, hauled down the British flag, replaced it by the flag of Spain, captured four English vessels, and treated their crews with extreme harshness and indignity." His failure to investigate the subject is further shown by his statement in the next sentence: "These events took place in April of 1789." This error in date is doubtless derived from the indefinite statement of the date in Article I of the Nootka convention of October 28, 1790.

Worthington C. Ford, *United States and Spain in 1790*, p. 18, is still further in error. He says: "The Spaniards had laid claim to nearly the whole of the western coast of America, from Cape Horn to the sixtieth degree of north latitude, and had watched with a feeling of jealousy, aggravated by a sense of injury, the establishment of a British settlement in Nootka Sound, on Vancouver's Island. This inlet of the sea had been first explored by Captain Cook in one of his voyages, and on the establishment of the English in India became a trading station, colonized by the English and recognized by grants of land from the natives. After three years of undisturbed possession the little settlement was surprised by the arrival of two Spanish ships of war from Mexico, which seized an English merchant vessel, the *Iphigenia*, imprisoned her crew, looted the vessel, and pulling down the British flag on the settlement raised that of Spain, and subsequently treated all comers as intruders."

Baumgarten, *Geschichte Spaniens zur Zeit der franzoesischen Revolution*, 282, after speaking of the arrival of Martinez and his seizure of the *Iphigenia*, says: "Martinez ergriff darauf Besitz von einer der kleinen Inseln, erbaute auf derselben eine Batterie, bemaechtigte sich der englischen Gebaeude, nahm die britische Flagge herunter und pflanzte die spanische auf."

<sup>b</sup> See discussion of the negotiations of 1790 below.

cruise at the time, were slightly involved in the relations between the Spanish and English commanders. But the vessel under Portuguese colors furnishes the center of interest for the first month of Spanish occupation.

This vessel was the *Iphigenia*, which had sailed from China in company with the *Felice*, under Captain Meares, in the spring of 1788, but which had separated from the latter vessel, had spent the summer in trading on the coast of Alaska and had rejoined her consort in the autumn at Nootka, where they again separated, the *Felice*, under Meares, sailing for China with the furs collected by both vessels, and the *Iphigenia*, under Douglas, accompanied by the small vessel, the *Northwest America*, built at Nootka during the summer, going for the winter to the Sandwich Islands.<sup>a</sup> Returning to the American coast in the spring of 1789, the *Iphigenia* had reached Nootka sixteen days before the arrival of Martinez. Four days after her the little vessel, her consort, arrived, and preparations were immediately made to send the latter out on a trading cruise, that they might not be worsted in competition by the American sloop, the *Lady Washington*, which had just returned from a six weeks' cruise to the southward and would soon set out on a similar trip to the northward. In four days more the necessary repairs were made, and on April 27 the *Northwest America* set out to trade with the natives to the northward,<sup>b</sup> not returning, and consequently not being of any further interest for six weeks, at the end of which time she assumes considerable importance.

The double national character of the expedition to which the *Iphigenia* belonged has already been discussed.<sup>c</sup> When, on May 5, the Spanish ship appeared, it was evidently thought better—for reasons which are not disclosed—to present the appearance of a Portuguese rather than an English ship. During the first few days all of the commanders seem to have been on the best of terms. According to the journal of the *Iphigenia*, Douglas was invited to dine on board the Spanish ship on the day of Martinez's arrival.

<sup>a</sup> See ante, Chapter II.

<sup>b</sup> Extract from the journal of the *Iphigenia*. (Inclosure XII, with Meares, Memorial, appendix to Voyages.)

<sup>c</sup> See ante, Chapter II.

Three days later the officers of the *Iphigenia* and of the Spanish vessel all went to dine with Kendrick, the captain of the American ship, and the next day the officers of the American and Spanish ships dined on board the *Iphigenia*.

Thus, up to the 9th of May the utmost harmony prevailed. Douglas had acquainted Martinez with the distressed condition of his ship and the latter had promised to relieve him as far as lay in his power. On the 8th the Portuguese instructions and passport of the *Iphigenia* had been presented to Martinez.<sup>a</sup> These seem to be what started the difficulty. In his account to the Viceroy, Martinez says:

On my arrival in it [the port of San Lorenzo de Nootka] I found a packet boat, with its captain (flag) and passport of the Portuguese nation, but its supercargo (who was really the captain), its pilot, and the greater part of its crew English.<sup>b</sup>

The passport was signed by the governor and captain-general of the port of Macao, in China, and began:

Be it known that from the port of this city is sailing for the coasts of North America the sloop named the *Iphigenia Nubiana*. It belongs to Juan Carvalho,<sup>c</sup> a subject of the same master of this port, and is of 200 tons burden, having artillery, powder, balls, arms, and munitions necessary for its defense, and carrying as its captain Francisco Josef Viana, also a subject of the same Crown, and of competent ability.<sup>d</sup>

The instructions were addressed to Viana, captain of the sloop *Iphigenia Nubiana*, and signed by Juan Carvalho. Besides the perplexity of the double nationality of the vessel, Martinez's suspicions were aroused by what he considered an obnoxious clause in the instructions. It read:

In case of your meeting on your voyage with any Russian, Spanish, or English vessels, you will treat them with the greatest possible friendship and permit them (if they demand it) to examine your papers that they may see the object of your voyage, taking care at the same time to avoid surprise, if they should attempt to divert you from your voyage. In such case you will resist force by force and protest against such violent and illegal proceedings before a tribunal at the first port in which you arrive, giving also an estimate of the value of the ships and cargoes. You will send to us at Macao a copy

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<sup>a</sup> May 9, according to the English account.

<sup>b</sup> Martinez to Florez, San Lorenzo de Nootka, July 13, 1789. (MS. Arch. Gen. de Indias, Seville, 90-3-18.)

<sup>c</sup> Various spelled in the documents—"Cavallo," "Carvallo," "Caravallo," "Caravalia," and "Caravalho."

<sup>d</sup> Spanish translation of the passport of the *Iphigenia*, signed Macao, October 17, 1787. (Arch. Gen. de Indias, Seville, 90-3-18.)

of said protest, with a narrative of all that shall have occurred, and another such to Francisco Josef Bandieras and Geronimo Ribeiro Nores, our correspondents at Lisbon, and likewise to the Portuguese ambassador, at the Court of the nation of the aggressor, in order that our Sovereign may demand satisfaction. If, perchance, in such conflict you should have the superiority, you will take possession of the vessel and its cargo, conducting them, with the officers, to Macao, in order that they may be condemned as legal prize and the officers and crew punished as pirates.<sup>a</sup>

Rightly or wrongly, Martinez thought that these instructions justified him in demanding an explanation. Since this is the first of the vessels seized, and in order to show that the Spanish commander considered that he was acting under instructions and with full authority, the whole of the first of a series of affidavits regarding the affair is here quoted :

On board the frigate of His Majesty named *Our Lady of the Rosary*, alias the *Princesa*, on the 13th<sup>b</sup> day of the month of May, 1789, I, an ensign of the royal navy, Don Esteban José Martinez, appointed commander in chief of this expedition by the most excellent Señor Viceroy Don Manuel Antonio Florez for occupying and taking possession of this port of San Lorenzo de Nootka, where I am anchored, declare : That, in virtue of the instructions and other superior orders, dated the 23d of December of the year last passed, 1788, and according to an order of His Majesty in Arto. 17, Tito. 5, Trato. 6, of the royal orders for the navy, I ought to order and have ordered to appear before me Don Francisco Josef Viana, an inhabitant of Lisbon and captain of the packet boat named the *Iphigenia Nubiana*, coming from Macao, which I found on the 5th of the present month anchored in this aforesaid port, and likewise that he should be accompanied by the so-called supercargo, M. William Douglas, in order that each one, in so far as he is involved, may vindicate himself, in view of the charges which I have to make against them, according to the cited article of the royal orders, on account of sections 18 and 19 of the instructions which the said captain presented to me on the 8th of the present month.

This affidavit was signed by Martinez before the notary, Canizares. Following it is one by the interpreter of the expedition saying that he delivered the above order, and then comes a long one giving an account of the interview that followed.

Viana, the captain, Douglas, the supercargo, and Adamson, the first pilot, immediately answered the summons, and repaired on board the *Princesa*. Martinez began by demand-

<sup>a</sup> Spanish translation of the instructions of Carvalho to Viana, Macao, October 23, 1788 [1787]. (MS. Arch. Gen. de Indias, Seville, 90-3-18.)

<sup>b</sup> May 14, according to the English account, is the date usually given.



ing an explanation for their having anchored in a port of the Spanish dominions without a license from that Monarch. They replied that they were there in virtue of their passport from the governor of Macao; that, as to this port's belonging to the Spanish dominions, they were ignorant of it, since the fact had not been published at the European Courts; and that they were informed by the first article of their instructions that this coast had been discovered by the Portuguese Admiral Fonte in 1640.<sup>a</sup> To this last Martinez responded that Portugal was at that time under the dominion of Spain. He likewise charged them to tell who this Carvalho was that had given such despotic instructions as the minister of a sovereign would hardly have given; to which they answered that he was the owner of the vessel. He then charged them with articles 18 and 19 of their instructions (the objectionable clauses quoted above). They replied that the articles in question had been misinterpreted; that they ordered Viana, in case his crew mutinied and he met with the vessel of a foreign nation, to appeal to that vessel for assistance in imprisoning his own crew and conducting them to Macao, and that the mutinous crew were the ones to be punished as pirates. Martinez insisted that this was not the true import of the articles, but a clumsy pretext. Considering their defense unsatisfactory, according to the cited article of the orders for the royal navy, Martinez demanded in the name of the King that they should surrender themselves as prisoners of war. The affidavit giving account of this was signed by Viana, Douglas, and Martinez before Canizares.<sup>b</sup>

This is Martinez's account of the arrest, written at the time or very soon thereafter, since it bears the signature of Viana and Douglas, and they would have been most unlikely to sign it if they had not been compelled to do so while in captivity. It is very doubtful whether Martinez was truthful in his report of the clumsy fabrication offered by Viana and Douglas in defense of the objectionable clause. To have offered such, expecting it to be believed, they would have had to be either very stupid or absolutely certain that Martinez and all his associates were entirely ignorant of the Portuguese lan-

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<sup>a</sup> Bancroft, *Northwest Coast*, I, 115-118, gives an account of the supposed voyage of Fonte, which he thinks was never made. Nothing is said of Fonte's being a Portuguese, and the expedition is said to have been under orders from Spain and the viceroys.

<sup>b</sup> MS. Arch. Gen. de Indias, Seville, 90-3-18.

guage—a very unlikely circumstance. This false defense may have been invented by the Spanish commander to give more color to the justice of the arrest. It would be more charitable and possibly more just to suppose that owing to his imperfect understanding of the language that they used, or its imperfect translation by his interpreter, he understood them to say this when they really said something very different. It is quite evident that his first translation of what he considered the objectionable clause in their instructions was incorrect. For in his rendering of it in the above account of the investigation he makes the clause read that Viana was to treat with respect all English, Russian, and Spanish vessels whose force was superior to his own, but, if he had the superior force, he was to seize them and carry them to Macao, where their crews should be tried as pirates. This is what he referred to when he spoke of their being so despotic. It is impossible to understand how, in a correct translation, he could have seen anything so obnoxious as he claimed to see. If, however, this rendering had been the correct one, it would have made the *Iphigenia* virtually a pirate ship, and Martinez would have been fully justified. But if his first translation was faulty, his later one was correct, as will be seen by comparing the quotation from it given above with the instructions of the Merchant Proprietors to Meares, the English commander of the expedition. They correspond almost word for word, differing only in the details necessary to give the appearance of a Portuguese instead of an English expedition.\*

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\* Appendix I to Meares, Voyages. It is interesting to compare the instructions of Meares, the English captain of the *Felice* and commander of both vessels, with the instructions of Viana, the pretended Portuguese captain of the *Iphigenia*. These two correspond much more closely than those of Viana and Douglas. The latter's were subinstructions given by Meares at sea. It may be that Juan de Mata Montero de Mendoza, the pretended Portuguese captain of the *Felice*, bore subinstructions from Viana similar to those of Douglas. The differences between Meares's and Viana's instructions are more striking than their similarities. The former is told that the coast was first discovered by Drake, in 1579; the latter by Fonte, in 1640. The former is told to proceed alone to America if he finds himself retarded by the slow progress of the *Iphigenia*; the latter is to do the same if detained by the bad sailing of the *Felice*. The former is instructed to direct Douglas to go to Prince Williams Sound, then to Nootka; the latter is directed to make this voyage. In the former's instructions there is nothing corresponding to the latter's instructions to report to the Portuguese correspondents at Lisbon, and to the ambassador at the court of the aggressor. There are other interesting contrasts. The minute instructions regarding trade are common to the two.

This error of Martinez is brought out in Douglas's account of the investigation. He says:

[Martinez] told me my papers were bad; that they mentioned I was to take all English, Russian, and Spanish vessels that were of inferior force to the *Iphigenia*, and send or carry their crews to Macao, there to be tried for their lives as pirates. I told him they had not interpreted the papers right; that though I did not understand Portuguese I had seen a copy of them in English at Macao,<sup>a</sup> which mentioned, if I was attacked by any of those three nations, to defend myself, and, if I had the superiority, to send the captain and crews to Macao to answer for the insult they offered. The *padres* and the clerk read the papers over, and said they had interpreted the papers right.<sup>b</sup>

The American commanders say that the capture was due to a misinterpretation.<sup>c</sup> If Martinez did make this mistake and later was led to restore the vessel by the discovery of it, he remains entirely silent regarding it, giving other reasons for the release, as will be seen.

Between May 13, when the *Iphigenia* was seized, and May 25, when she was released, part of her officers and crew were detained on board Martinez's ship, the *Princesa*, and part on the *San Carlos*, the other Spanish ship, which had reached Nootka a week later than the commander's. Of the conduct of the Spanish during these twelve days while they held the *Iphigenia* prisoner there are the most divergent accounts in the different sources.

According to the account of Douglas, a deaf ear was turned to his plea that he had been forced to enter the port because of the distress of his vessel, which was such that, had he entered a port of the Spanish dominions of South America he would have been allowed to repair his damages and

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<sup>a</sup> This is not exactly an untruth, but it is a deception. It would indicate that he had no instructions in English. His instructions are quoted in full a few pages before this extract from the journal of the *Iphigenia* in Appendix II to Meares, *Voyages*. It is worthy of note that they do not direct him to seize vessels at all, but only to guard against surprise and repel force by force. It should be noted also that the extract quoted by Meares in the appendix to his *Memorial*, V, purporting to be from this letter to Douglas, does not agree with the full letter as quoted, but that Meares has, in this extract, added two sentences from his own instructions, which relate to his reporting the outrage if captured and to his seizing his opponent should he have the superiority.

<sup>b</sup> Extract of the journal of the *Iphigenia*. (Inclosure XII with Meares, *Memorial*, appendix to *Voyages*.)

<sup>c</sup> Gray and Ingraham to Quadra, Nootka Sound, August 3, 1792. (Appendix to Greenhow, *Oregon and California*.)

depart in peace, and that consequently to take him prisoner in a port to which the King of Spain had never laid claim was a piece of injustice that no nation had ever attempted before. His offer to leave the port immediately in spite of his distress, if permission should be granted, was refused; he and his crew were most inhumanely treated, and their valuable personal effects and even their very clothes were stolen; Spanish colors were hoisted on their vessel and it was looted of its provisions and articles for trading with the natives and anything else that the Spaniards fancied. When his vessel was restored a very meager supply of provisions was sent on board, and an account presented which listed five times the quantity actually sent and charged five times their cost; he was compelled to sign a paper saying that Martinez had found him in distress and in want of everything, had supplied him with all necessary to take him to the Sandwich Islands, and had not interfered with his navigation; another paper was forced upon him by which he agreed that, if his papers should be found to be bad, the vessel was to be delivered up at Macao, and before he was allowed to sail a letter was demanded from him to Captain Funter, of the *North-West America*, ordering the latter to sell the schooner to Martinez; but, not having authority either to sell or to order another to sell, he said nothing in the letter that he left about selling the vessel, but advised Funter to act to the best of his judgment for the benefit of his employers.\*

According to the account of the American captains, on the other hand, the officers of the *Iphigenia* "were treated with all imaginable kindness, and every attention paid them."

The vessel while in the possession of the Spaniards, from being a wreck was put in complete order for the sea, being calked, rigging and sails repaired, anchors and cables sent from the *Princesa*. etc. On the 26th Don Martinez supplied them with every kind of provisions they were in need of, for which Captain Douglas gave him bills on Cravalha, the before-mentioned merchant of Macao. On the 31st the *Iphigenia* sailed and was saluted by the Spanish fort, and the commodore accompanied them out of the harbor, giving every assistance with boats, etc. When Captain Douglas took his leave of the commodore he declared he should ever entertain a sense of Don Martinez's kind-

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\* Extract of the journal of the *Iphigenia*. (Inclosure XII, with Meares, Memorial, appendix to Voyages.)

ness, deeming his conduct relative to the vessel no more than his duty as a King's officer. Upon the whole, we both believe the *Iphigenia's* being detained was of infinite service to those who were concerned in her.<sup>a</sup>

Vancouver, in giving the substance of a letter written later by Viana to Quadra, represents Viana as saying that he was imprisoned, was well treated, and on being liberated his vessel and cargo were completely restored and he was furnished what he needed.<sup>b</sup>

It is plain that neither the account of Douglas nor that of the American commanders can be accepted for its full value, but that the truth lies between them. The fact that the former on his release turned northward and spent a month trading, and later made a successful trip to the Sandwich Islands and China, shows that his ship was not so destitute of provisions as his journal would make it seem; and the fact that he purchased a cargo of furs from the natives shows that he had not been so nearly robbed of his articles of trade as he declared. Further, knowing that this journal passed through Meares's hands before it was published, and knowing this gentleman's tendency to distort the truth, when there was a possibility of thereby strengthening his case, one can not help suspecting that the journal was tampered with so that it would exhibit Martinez's treatment of the vessel in as unfavorable a light as possible. But the testimony of the American commanders must be discounted also, since their prejudice in favor of the Spaniards is very conspicuous. This would be suspected because of their intimacy with Martinez; but the extravagant statements of the letter itself show a decided prejudice. It was written three years after the events which it discusses, and errors in date indicate that it was produced merely from memory. The statements from Viana's letter are too indirect to be of much value.

In the series of affidavits which Martinez submitted to the Viceroy concerning the arrest and detention of the vessel, there is what appears to be a wholly unimpassioned account. These affidavits seem to have been written and sworn to before the notary, each on the day on which the event that it

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<sup>a</sup> Gray and Ingraham to Quadra, Nootka Sound, August 3, 1792. (Appendix to Greenhow, Oregon and California.) The dates in this letter are not accurate. The more important agree with the Spanish dates, but the rest with neither Spanish nor English.

<sup>b</sup> Vancouver, Voyages, II, 343.

records occurred. The first one, in which Martinez gives his reasons for calling to account the officers of the *Iphigenia*, is quoted in full above. The second, in which the interpreter says that he delivered Martinez's orders, has been referred to, and the substance has been given of the third which recounts the investigation of Douglas and Viana and their arrest. The fourth tells of the formal act of seizing the vessel, the replacing of the Portugese colors by the Spanish, and the imprisonment of the crew. These four are dated May 13. A letter to Martinez, dated May 15, written by Tovar, who had been placed in command of the captured ship, tells of a bundle of papers which he had found belonging to Douglas. In the fifth affidavit, dated May 16, Martinez says that in view of this letter of Tovar he had ordered the papers of Douglas to be taken in charge, and the sixth affidavit, of the same date, is signed by the English interpreter and says that no suspicion attached to Douglas's papers.\*

On May 17, in the seventh affidavit, Martinez says that on account of the difficulty of sending the captured vessel to San Blas, owing to the scarcity of men to man her, he has concluded to release her, but has ordered an inventory to be made, that he may bind the owner to pay the value of the ship and cargo in case the Viceroy shall declare her to have been good prize. The inventory was completed May 22, and signed on board the *Iphigenia* the same day by Tovar, the temporary commander, and by Viana, the Portuguese captain, in whose presence it had been made. The eighth affidavit, signed on May 25, declares that the inventory should be embodied in the account. An itemized list follows, covering five pages of manuscript and indicating that the *Iphigenia* was by no means destitute of general supplies, though there might have been a lack of those necessary to man the ship. Immediately following the inventory is the bond signed by Viana and Douglas, captain and supercargo of the *Iphigenia*, for Juan Carvalho, the owner, and by Kendrick and Ingraham, of the American ship, as witnesses, and finally by Martinez, all in the presence of Canizares, the

\* See note a, p. 320, where it is pointed out that in the instructions of Douglas nothing is said about carrying vessels to Macao. In the journal of the *Iphigenia* Douglas says that the interpreter told Martinez in his presence that there was nothing objectionable in Douglas's papers.

notary. This obliges the owner to pay the value of the ship and cargo, as shown by the attached inventory, in case the Viceroy should decide that the vessel was good prize on account of having been found anchored in the port of Nootka without having a passport, permission, or license from His Catholic Majesty for navigating or anchoring in seas or ports belonging to his dominion.<sup>a</sup> The ninth affidavit, signed May 26, formally submits to the Viceroy the preceding account of the measures taken in view of the instructions submitted by the captain of the *Iphigenia*.<sup>b</sup>

On May 31, after a dinner on board the Spanish commander's ship, at which the *Iphigenia*'s officers and those of the American ship were present, the *Iphigenia* was accompanied out of the harbor by the officers of the other two, and, after a farewell salute from the Spanish guns, sailed away, ostensibly for Macao, by way of the Sandwich Islands. At midnight Douglas gave orders to turn north for a trading cruise, having, as he says, "no idea of running for Macao with only between 60 and 70 sea-otter skins which I had on board."<sup>c</sup>

The next occurrence of interest at Nootka was in connection with the *North-West America*. Mention has been made of Martinez's futile attempt to get a letter from Douglas ordering Captain Funter to sell the schooner to Martinez. It will be recalled that this vessel, on returning from the Sandwich Islands, had reached Nootka four days later than her consort, the *Iphigenia*, had been repaired as soon as possible, and had set out on a trading trip before the arrival of the Spanish commander. Having carried on a profitable trade for six weeks, and being seriously in need of provisions, she returned to Nootka June 8 in hope of meeting there the vessel that was expected from Macao with stores. For some reason not wholly plain Martinez took possession of the schooner as soon as she arrived. Meares says that the

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<sup>a</sup> An English translation of this bond is given by Meares. (Inclosure IV, with Memorial, appendix to Voyages.)

<sup>b</sup> All the papers relating to the *Iphigenia*—her passport, instructions, the inventory, the bond, and the affidavits—are inclosed with Martinez to Florez, San Lorenzo de Nootka, July 13, 1789. (MS. Arch. Gen. de Indias, Seville, 90-3-18.)

<sup>c</sup> This is an interesting comment, showing Douglas's inconsistency in saying that the Spaniards had robbed the ship of everything of value.

Spanish commander was angered when he learned that the letter which Douglas had left for Funter was not the desired order for the latter to sell his schooner, and gave vent to his anger by seizing the vessel.<sup>a</sup> The American captains say that when Martinez learned later of the bankruptcy of Carvalho, on whom he had accepted bills in payment for supplies furnished to Douglas, he justified himself as holding the schooner in security for the debt.<sup>b</sup> Martinez gives a partial explanation in an affidavit of June 12. Learning, he said, that the schooner belonged to Carvalho and was connected with the *Iphigenia*, which he had seized on account of her instructions, he therefore took possession of this vessel also, and submitted an inventory to the Viceroy, together with that of the larger ship. He fails to explain why he did not release her; but he doubtless considered explanation unnecessary, since he had given as his only reason for not detaining the larger vessel his inability to man her.<sup>c</sup> He would not have been consistent in not detaining her unless he had released her also on bond; and there was no need for doing that, since she required so few men. Doubtless the other two motives suggested had their influence also.

The English commanders give the same extravagant account of robbery and barbaric treatment at the hands of the Spaniards that were given in the case of the other vessel—the Spanish flag was hoisted; the officers and men were imprisoned; the vessel was repaired, refitted, rechristened the *Gertrudis* and sent on a trading trip for the benefit of the Spaniards, in which they bartered away the articles of trade that they found on board; every possible effort was made by bribery and intimidation to induce Funter and some of his men to man the vessel for the Spaniards and show them where trade was good, but without avail; the men were kept in confinement for a month and then shipped for China on board one of the American vessels, which they were compelled to assist in manning to keep from being

<sup>a</sup> Meares, Memorial, appendix to Voyages.

<sup>b</sup> Gray and Ingraham to Quadra, Nootka Sound, August 3, 1792. (Appendix to Greenhow, Oregon and California.)

<sup>c</sup> Deposition of Martinez before Canizares, on board the *Princesa*, June 12, 1789. (MSS., Arch. Gen. de Indias, Seville, 90-3-18.) With this is an inventory of the vessel and cargo, and other affidavits telling of the helpless condition of the vessel. An English translation of the inventory is given on the last page of the appendix to Meares, Voyages.



wrecked.<sup>a</sup> It must be admitted that at the best the provocation was sufficient to excuse some exaggeration, which is the more to be expected when it is noticed that the account was not written until several months after the occurrence of the events recorded. But that the Spanish commander meant to show a certain amount of justice and even generosity is evident from the fact that he later transferred to another English vessel all of the furs collected by the schooner except twelve, which were either lost or detained by the Spaniard.<sup>b</sup> And still later, when Funter and his men were sent to China on the American vessel, Martinez shipped to their credit 96 skins to pay their wages besides the cost of their passage.<sup>c</sup> He also transferred provisions from an English ship to the American captain for the maintenance of Funter and his men.<sup>d</sup> The purpose seems to have been to punish the owners, but to avoid working immediate hardship to the officers and crew.

Another event of the Spanish operations is the taking formal possession of the port, which occurred June 24.<sup>e</sup> In the seven weeks that had intervened since the arrival of the Spanish expedition, besides the seizure and disposition of the two vessels just discussed, a fort had been constructed on the top of a high hill which commanded the entrance to the port, and had been occupied by a garrison and a battery of ten cannon. Three houses had also been built—a workshop, a bakery, and a lodging house.<sup>f</sup> The ceremony had not been performed earlier because they were awaiting the

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<sup>a</sup> Deposition of the officers and men of the schooner *North-West America*, Canton, December 5, 1789, and Information of William Graham, London, May 5, 1790. (Inclosures VII and X, with Meares, Memorial, appendix to Voyages.) The American vessel on which these men were shipped was the *Columbia*.

<sup>b</sup> Hudson's receipt to Funter for 203 sea-otter skins, July 2, 1789. (Inclosure VIII, with Meares, Memorial, appendix to Voyages.)

<sup>c</sup> Martinez's certificate of 96 skins being shipped on board the *Columbia*, Nootka, July 14, 1789. (Appendix to Meares, Voyages.) The English ship to which the furs, taken from the schooner, were at first transferred had been seized in the meantime, so that the furs again fell into Martinez's hand. This was the *Princess Royal*, to be discussed presently.

<sup>d</sup> John Kendrick's receipt for provisions on board the *Columbia*, July 13, 1789. (Inclosure XI, with Meares, Memorial, appendix to Voyages.)

<sup>e</sup> Bancroft, Northwest Coast, I, 216, says, incorrectly, that possession had been taken before the departure of the *Iphigenia*.

<sup>f</sup> Florez to Valdez, Mexico, August 27, 1789. (MS. Arch. Gen. de Indias, Seville, 90-8-18.)

arrival of the *Aranzazu*, that it might be given greater solemnity; but that ship not coming, it was decided to delay no longer.<sup>a</sup> The instrument of possession is a long, very formal, and high-sounding document. The right of Spain is based on the discovery of Nootka in 1774 and the bull of Pope Alexander VI of May 4, 1493. The instrument bears the signatures of Martinez and Haro, commanders of the two vessels; of Tovar, the first pilot; of the two chaplains, and of the four missionaries, and is attested by Canizares, the notary.<sup>b</sup> From the fort and the vessels a salute of 21 cannon was fired in honor of the King, and at a splendid banquet on board the commander's ship all of the officers of the Spanish ships, and several foreigners, drank to that sovereign's health.

These foreigners, Martinez says, were of the English nation and the American Congress [Colonies], and the ceremony was performed without any contradiction by them.<sup>c</sup> Through Kendrick and Ingraham, officers of the American ship, he had made the Englishmen understand that the Spaniards had been the first discoverers of the port. He had proved this by having the Americans—since they also understood the Indian dialect—talk with the natives, who had described the clothes of the first comers. And as a further and more conclusive proof he laid before the Indians the flags of various nations, including the old Spanish flag,<sup>d</sup> and the last was recognized by the old chief as the one borne by the first vessel.<sup>e</sup>

One more occurrence should be noted before the arrival of the English expedition under Colnett that gave rise to the most important event of the summer. This occurrence is the coming of the *Princess Royal*, commanded by Hud-

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<sup>a</sup> Martinez to Florez, San Lorenzo de Nootka, July 13, 1789. (MS. Arch. Gen. de Indias, Seville, 90-3-18.)

<sup>b</sup> Instrument of possession, San Lorenzo de Nootka, June 24, 1789. (MS. Arch. Gen. de Indias, Seville, 90-3-18.)

<sup>c</sup> Martinez to Florez, San Lorenzo de Nootka, July 13, 1789. (MS. Arch. Gen. de Indias, Seville, 90-3-18.)

<sup>d</sup> The Spanish flag had been changed by a royal decree of May 28, 1785. The purpose was to remove the confusion due to the similarity between it and those of the other Bourbon dynasties—France, Naples, Tuscany, and Parma. Red and yellow were the colors adopted. (Fernandez Duro *La Armada Española*, Madrid, 1901, VIII, 349.)

<sup>e</sup> Martinez to [Florez], San Lorenzo de Nootka, July 13, 1789. (MS. Arch. Gen. de Indias, Seville, 90-3-18.)

son, subject to the orders of Colnett. This vessel left China earlier than her consort and reached Nootka on June 15,\* where she remained a little more than two weeks. A letter written by Hudson, a copy of which is in the Spanish archives, gives a detailed account of his stay at Nootka on this occasion. On his approach in the evening he was met by two launches. Being alarmed, he demanded to know whether they were armed and received answer in English that they were, but only with a bottle of brandy. Martinez, of the Spanish ship, Kendrick, of the American, and Funter, of the captured English schooner, came on board and remained all night. The next morning, the 16th, they were towed into the harbor, and saluted by the guns of the two Spanish ships and the fort. In the afternoon Hudson and Martinez accompanied Kendrick up the sound 6 miles to his vessel, the *Columbia*, where they remained that night. On the 17th Hudson returned to his vessel, where he received a note from the Spanish commander demanding his motive for anchoring in the sound, and informing him that the port belonged to the King of Spain. On the 18th Hudson replied that during his voyage of sixteen weeks and three days from Macao in continual storms his ship had been badly damaged; this, with the failure of wood and water, had caused him to anchor where he was, and he hoped that Martinez would permit him to supply his losses, upon which, with permission, he would depart. In a note of the same day Martinez replied that Hudson's explanation was perfectly satisfactory and that he might supply his needs and depart when he wished.

This shows that the utmost harmony and good will prevailed. Hudson's vessel was present when the Spaniards took formal possession of the port, and he was doubtless one of the Englishmen who were at Martinez's sumptuous banquet and are mentioned as not disputing the act of possession. This is the English vessel, also, to which Martinez transferred the furs taken from the *North-West America*, as mentioned above.

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\* June 14 is sometimes given as the date. This probably arises from the indefinite statement in the Information of William Graham that she arrived on or about June 14. (See Inclosure VII, with Meares, Memorial, appendix to Voyages.)

On July 1, his ship being ready to leave, Hudson notified Martinez that he intended to sail the next morning. The latter, after a little hesitation, gave his consent, and also furnished Hudson with a circular letter to all commanders of Spanish ships which he might encounter ordering them to let him pass. The next morning, July 2, the launches from the American ships towed the *Princess Royal* out of the harbor; and having had to wait all day for a breeze she sailed away at 10 o'clock in the evening, returning eleven days later, at the close of the important events to be discussed in the next chapter.<sup>a</sup>

Comparing the actions of Martinez, which have been discussed in this chapter, with his instructions given in the foregoing chapter, it is seen that it would not be difficult for him to justify his seizure of the *Iphigenia* and the *North-West America*. The last clause of the eleventh article orders him to endeavor, as far as possible, to prevent intercourse and commerce with the natives. It is difficult to see how he could have carried this out in any other way. Knowing the general policy of Spain, which was to prevent all foreigners from trading with the Spanish dominions, and feeling himself responsible for maintaining that policy along this whole coast, he might easily have felt it his duty to employ harsh means, being satisfied that nothing less would be effectual. Having in mind the recent treatment accorded to the governor of the islands of Juan Fernandez because he allowed a vessel that had been in his power to continue its voyage to these very coasts, it is not strange that he should be unwilling to incur similar disgrace because of too great leniency.<sup>b</sup> It would seem, however, that he was inconsistent in not seizing also the *Princess Royal*, unless, indeed, he believed what he embodied in the circular letter which he gave to Hudson for other Spanish commanders. In this he declared that the purpose of the voyage was discovery; that he had seen Hudson's commission to that effect. Martinez may have known nothing to the contrary at the time, and what he said was doubtless true; but it was not the

<sup>a</sup> Hudson to Florez, San Blas, September 18, 1780. (MS. Arch. Gen. de Indias, Seville, 90-3-21.) With this letter are copies of the letters of June 18 [17] and 19 [18] from Martinez to Hudson, and Hudson to Martinez of the latter date, referred to above.

<sup>b</sup> See latter part of foregoing chapter.

whole truth. But if he was too lenient this time, he did not err in that direction on Hudson's return, as will appear.

If Martinez felt it necessary to treat the English ships with such harshness, can his mild treatment of the American ships be justified? These are the very ships that are referred to in articles 14 and 15 of the above-mentioned instructions. It will be recalled that he was there given authority, in case of his meeting with them, to deal with them as appeared proper. The suspicion was mentioned in another place that the purpose of these ships was to find a port in which to establish a colony. On encountering them at Nootka, Martinez inspected their papers and found that this was not their purpose. He says that his interpreter found nothing in their papers derogatory to the rights of Spain; that their purpose was to circumnavigate the globe; that there seemed no reason for interfering with their course nor placing them under bond, as he had done the packet boat from Macao; but that, nevertheless, he had required them, in the name of his Sovereign, not to return to these seas or coasts without bringing a passport and special permit, since that Monarch had prohibited every foreign nation from navigating the coasts of America.<sup>a</sup> His allowing the American ships to trade unmolested for the two months hardly seems consistent, unless his reason was what might be implied from the latter part of the letter just referred to. He tells of the assistance afforded him by the American commanders in his dealings with the English and the Indians, since they conversed in both of those languages. He might have considered it better to allow them for a time to violate the letter of the strict Spanish regulations than to lose their services in establishing himself in a position to prevent all such violations in the future. His intimacy with the Americans was so noticeable that the Englishmen frequently accused the latter of collusion with the schemes of the Spaniard.<sup>b</sup>

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<sup>a</sup> Martinez to Florez, San Lorenzo de Nootka, July 13, 1789. (MS. Arch. Gen. de Indias, Seville, 90-3-18.) With this letter explaining his dealings with the American ships, Martinez inclosed a copy of the passport given to Kendrick by Blas Gonzales, governor of the islands of Juan Fernandez.

<sup>b</sup> Muriel, *Historia de Carlos IV*, I, 106, touches upon the subject-matter of this chapter.

## CHAPTER V.

### THE QUARREL AND SEIZURE.

The English ship from China, the *Argonaut*, Captain Colnett, whose equipment and instructions have already been discussed, arrived at Nootka late in the evening of July 2, 1789. She had neared the coast some distance north the previous evening. Sailing southward, she was visited in the morning by some Indians, who told of five vessels in Friendly Cove, but could not identify them. The officers conjectured that the ships belonged to Mr. Etches, one of the merchants interested in their proposed colony. They hastened to join them. As their vessel approached the entrance they saw the sloop *Princess Royal* pass out and sail away. This increased their confidence, since she was their consort. Shortly after they passed the sloop they saw two launches approach in the growing darkness. A voice in Spanish asked permission to come on board and was answered in the affirmative. The leader of the party was the Spanish commander, Martinez. Two hours earlier he had been notified from the port of the approach of a ship. Thinking it to be the *Aranzazu*, which he had been anxiously expecting for some weeks from San Blas with provisions, he had hastened to welcome her in.

The events that follow this meeting of Martinez with Colnett, the commander of the English expedition, are the real genesis of the Nootka controversy. Had the vigorous measures of the Spanish commander stopped with the seizure of the two vessels already discussed, the matter would probably never have reached the cabinets of London and Madrid. Since these events are so important, a detailed account is given. This is drawn from five separate narratives, all written by men who were present and took part in them. One is the letter of Martinez, written at the close of the events, giving his official account to the Viceroy. Another is a letter

from Colnett to the same official, written some three months later. These two are unpublished. The third is a second account by Colnett, written nine years later, appearing as a footnote to his published narrative of a subsequent voyage. The fourth is a series of letters, written while the events were in progress, by Duffin, second in command to Colnett, but really in control during most of the time. The fifth is the letter, written three years later, by the American captains, who were eyewitnesses of most of the events.<sup>a</sup>

At the first meeting each commander was disappointed at finding the other very different from the person whom he expected. Martinez at once presented to Colnett a letter from Captain Hudson, of the *Princess Royal*, saying that the bearer was commander of two ships of His Catholic Majesty anchored in Friendly Cove; that the writer had received all possible aid from him and had departed. The letter had been written that very morning, and put Colnett somewhat at his ease. He invited Martinez and his party, among whom were the officers of the American ships, down into the cabin, where they drank freely together. The Spaniard was very courteous, declared that the vessels under his command were in great distress from the want of provisions and other necessities, and urged the English commander to go into port in order to supply their needs, inviting him to stay for some time. Colnett, in his letter to the Viceroy, says that he consented to stay, provided he should be permitted to build a sloop, for which he had the materials on board; but this being refused, he said that he could not stay longer than the next day.

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<sup>a</sup> To save frequent repetition, one reference is given to all five of these accounts. The particular source of the more important statements is sufficiently clear from the text:

First. Martinez to Florez, San Lorenzo de Nootka, July 13, 1789. (MS. Arch. Gen. de Indias, Seville, 50-3-18.)

Second. Colnett to Florez [written at San Blas in September, 1789]. (MS. Arch. Gen. de Indias, Seville, 50-3-21.)

Third. Colnett, *Voyages*, 96-102, note.

Fourth. Duffin to Meares, Nootka Sound, July 12 [11], 1789; same to same, July 13 [12], 1789; same to same, July 14 [13], 1789. (Inclosure XIII, with Meares, Memorial, appendix to *Voyages*.)

Fifth. Gray and Ingraham: to Quadra, Nootka Sound, August 3, 1792. (Appendix to *Greenhow, Oregon and California*.)

The information of William Graham, London, May 5, 1790, and the deposition of the officers and men of the *North-West America*, Canton, China, December 5, 1789 (Inclosures VII and XI, with Meares, Memorial, appendix to *Voyages*), give accounts, but add little of value to the others.

On the other hand, Martinez says that Colnett claimed to have come under authority from the King of England, with orders to take possession of Nootka, construct a fort, establish a factory, and plant a colony, for which he had brought 29 Chinese laborers; that having learned this his interpreter made the Englishman understand that Martinez had already taken possession of the port in the name and under an order of the King of Spain; that thereupon the English captain claimed the land for His Britannic Majesty on the ground of Cook's discovery, adding that his company had purchased the rights to the place which were acquired the previous year by the Portuguese company, their vessels, the *Iphigenia* and the *North-West America*, being also included in the purchase. To refute the Englishman's arguments, the Spaniard declared that a Spanish expedition had discovered the port four years earlier than Cook; \* that he himself had accompanied the expedition, and from him the spoons had been stolen which Cook tells of purchasing; that the Portuguese company had done wrong in selling land which was not theirs but belonged to the King of Spain, not only this port being the property of that Crown, but all the coast as far as Prince Williams Sound. Colnett, the Spaniard continues, was unable to reply to these well-founded arguments. The American captains say:

Colnett asked if he would be prevented from building a house in the port. The commodore, mistaking his meaning, answered him he was at liberty to erect a tent, get wood and water, etc., after which he was at liberty to depart when he pleased; but Captain Colnett said that was not what he wanted, but to build a blockhouse, erect a fort, and settle a colony for the Crown of Great Britain. This was refused.

Colnett, in his published account, says that he hesitated, being uncertain whether to enter the port, but—

The Spaniard, observing my unwillingness to comply with his request, assured me on his word and honor, in the name of the King of Spain, whose servant he was, and of the Viceroy of Mexico, whose nephew he declared himself to be, that if I would go into port and relieve his wants I should be at liberty to sail whenever I pleased.

Martinez's plea of distress and his solemn promise, with Hudson's letter, the Englishman says, influenced him to

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\* See previous discussion of the voyage of Perez, 1774, in Chapter III, ante.



enter the harbor, and, as there was a calm, he allowed the Spanish boats to assist in towing his vessel into the cove. Among the party that had come out in the launches was the pilot of the captured English schooner. He told Colnett of the situation in the cove—the Spanish war ships, the fort, the formal possession, the seizure of the *Iphigenia* and *North-West America*, and the arrival and departure of Captain Hudson. He advised Colnett to anchor outside the cove until morning, but the latter, depending on the Spaniard's honor, entered and brought up between the Spanish ships at about midnight.

The next morning, July 3, everything seems to have been harmonious. Colnett visited the fort and other Spanish establishments, and on invitation of Martinez took breakfast on board the Spanish vessel, the Spanish commander returning the compliment by dining on board the Englishman's ship. The latter was urged to delay his departure for a day, but being unwilling to do so it was arranged that the Spaniard should send a launch in the afternoon to tow the English vessel out, and on the return of the boat Colnett should send the supplies, a list of which had already been agreed upon. The launch not coming as soon as expected, a request was made that it be sent at once. Martinez asked to see Colnett's papers before the latter should depart. After some hesitation the Englishman took them on board the Spanish ship. The Spaniard was still in doubt whether he should allow the *Argonaut* to depart, sometimes saying that she could, at other times that she could not. Finally he declared that she could not go that day. He produced a book in which he showed what he said was an order from the King of Spain to seize all English vessels found on the coast. Colnett declared that he would sail at once, with or without permission, unless the Spaniard fired on him, in which case he would haul down his colors and surrender. Thinking it presumption for Colnett to talk as if he were an agent of the English King, though he was really sent only by a commercial company, Martinez declared himself the personal representative of the King of Spain and commander in chief of the port. Colnett replied that he had been in His Britannic Majesty's service for twenty years, and that he then carried a governmental license, which he produced. He en-

deavored to show the injustice of the Spaniard's conduct, reminding him of his promise on his word and honor, made the evening before. Warm words followed, and each commander seems completely to have lost his temper. Each tells of violence, either threatened or inflicted, by the other. At Martinez's order Colnett was seized and made a prisoner.

From the accounts it is impossible to decide which officer was the more at fault in the quarrel. It was the unfortunate outcome of anger on both sides, and doubtless was not premeditated by either. The real explanation appears to be that given in the letter of Duffin. Eight days after the quarrel he wrote: "I have every reason to suspect there was a misunderstanding between the two parties, for the linguist spoke English very imperfectly, and in all likelihood interpreted as many words wrong as right." It seems, then, to have been a faulty translation that caused the quarrel which later threw two continents into a feverish excitement in anticipation of war.

After the seizure had been made, however, a plausible excuse was not wanting to the Spaniard. He says that he imprisoned Colnett because the latter would likely have gone elsewhere on the coast and established a post from which it would have been impossible to dislodge the English without the force of arms. This is doubtless exactly what would have happened, and in view of Martinez's instructions and of what he knew to be the policy of his country with regard to the coast, he was entirely justified, from the Spanish standpoint, in preventing by force what he could not have prevented otherwise. Indeed, had he allowed the English expedition to depart unmolested, and had the English colony been established elsewhere, he probably would have been seriously taken to task for not attempting to prevent it. Martinez's account to the Viceroy was such as to make it seem that he at no time had any intention whatever of allowing Colnett to leave. He says nothing of his promise and pledge to that effect which the English commander says that he made. But though the Spaniard concealed the fact from his superiors, the other accounts indicate unmistakably that he really intended, at first, to allow the *Argonaut* to depart, and that his promise to her commander was made in good faith. Possibly he had begun to doubt whether the Viceroy

would approve his proceedings respecting the two vessels already seized, and did not wish to involve himself further until he had that official's decision. In view of this he may have concluded to let all other vessels pass without scrutinizing them too closely. His treatment of the *Princess Royal* indicates such intent, and his promise to Colnett was consistent with it. After a day's consideration, he may have concluded to go through the form of an investigation, at least, that he might make a plausible report of it, but with the deliberate intention of closing his eyes to anything that might prove derogatory to Spain. However the fact may be accounted for, it is clear that Martinez was wavering between two opinions and that the quarrel forced his decision. Duffin, in his letter of July 12 [11], which seems to be the fairest of all the accounts, speaking of events after the seizure, says:

The commodore's passion now began to abate a little, and he sent for me from the *San Carlos*, where I was imprisoned. When I came to him, he seemed to profess a very great friendship for me, and appeared to be exceedingly sorry for what, he said, his officers compelled him to do. He declared to me that he had given Colnett permission to depart, and would have assisted him all in his power but that Captain Colnett insisted on erecting a fort opposite his.

A little further on, after telling of Colnett's turning over to him all control of affairs, the same writer continues:

I have endeavored to convince the Spaniards, had we known this place had been taken possession by the King of Spain, we would not, on any consideration, have come near it; I have likewise wished to persuade him to peruse the South Sea Company's grant and our instructions, which he refuses, and tells me it would avail nothing now to do it, as his officers insist on his going on with what he acknowledges he too rashly and hastily began, and without deliberating what might hereafter be the consequence.

That the English captain was somewhat to blame for what had occurred is clear from his own behavior, as related in Duffin's letter of July 14 [13]. The writer, speaking of Colnett, says:

I have endeavored to persuade him to draw out every particular concerning our being captured, to send to his employers, which he refuses. His objection is that he has involved himself and everyone else in difficulties that he is not able to extricate himself from, and therefore declares to me that he will have no more concern with the charge of the vessel.

This refusal to give the particulars of his arrest occurred after his recovery from what Duffin spoke of at the time as insanity, but what Colnett himself refers to as delirium. Meares's publication of Duffin's statement concerning the commander's insanity caused some hard feeling when Colnett learned of it; and the statement was publicly denied later by Meares.<sup>a</sup> Whatever it may be called, the immediate cause was his capture. The malady lasted for ten days. As a result of it, the whole control was left in the hands of Duffin, the second in command. The latter's statement concerning the captain is as follows:

Captain Colnett has been in such a state of insanity ever since the vessel has been captured by the Spaniards that we are obliged to confine him to his cabin. Yesterday morning he jumped out of the cabin window, and it was with great difficulty his life was saved. His constant cry is that he is condemned to be hanged. I sincerely hope for his speedy recovery, but am apprehensive he never will recover his former senses again. I understand from the boy, Russell, that it is a family disorder and that they all have symptoms of madness more or less.

The next day he wrote: "Captain Colnett is much better to-day, and, in general, discourses very rationally." It was at this time that Duffin made his vain attempt to draw out the particulars of the capture. Duffin seems to blame Colnett.

On the afternoon of July 3, immediately after seizing Colnett, Martinez had taken possession of the *Argonaut*, had run up the Spanish flag, and had imprisoned all of the officers and crew, removed them from their own ship, and confined them on board the two Spanish vessels. Of the events that followed during the next ten days, while preparations were being made to send the vessel to San Blas for the Viceroy to decide whether she was good prize, there are greatly divergent accounts, as in the case of the other captured ships. It is significant that the further the writing was removed from the event the blacker is the picture drawn in the English accounts of the Spaniard's cruelty. Doubtless the most authentic is the one first written—the letters of Duffin, already referred to.

After a little time Colnett and Duffin, with two other officers, were allowed to return to their own ship. On the 11th

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<sup>a</sup> Meares, An Answer to Mr. George Dixon.

Duffin wrote: "I am at present in possession of my cabin, as are also the rest of us, and the commodore behaves with great civility, by obliging us in every liberty that can be expected as prisoners." This is pretty strong evidence that there was nothing very barbaric about Martinez's treatment, since Duffin had no motive for concealing the truth. What he wrote had to be by stealth, he says, and was taken by Mr. Barnett, an Englishman of the crew of the *North-West America*, who was going to China on board the American ship. Under these circumstances he would probably not have represented the Spaniard's conduct more favorably than it deserved. Many of the supplies and stores on board the English ship were appropriated by the Spaniards; but not without arrangement for compensation, as would be inferred from later English accounts. Speaking of their appropriation, Duffin says:

They have taken of our stores to themselves all our pitch, tar, canvas, twine, some provisions of all kinds, guns, ammunition, the chief of our copper, and many other articles that we were not acquainted with, all the officers being prisoners, some on board one vessel and some on board the other. We have great expectations that the vessel will be delivered up at San Blas. The commodore promises me, if she is, everything that he has taken to himself shall be replaced at that port; but there has been a number of things taken out of the vessel by theft that he knows nothing of. Nevertheless, if any, and the vessel is returned, they must undoubtedly make it good.

According to the same writer, Martinez tried to buy all of the copper on board, offering to give bills for the same, but it was refused on the ground that if his orders allowed him to capture the vessel they would undoubtedly allow him to capture the cargo also. The Spaniard, he says, wanted the copper to trade for furs, which he shipped to Macao by Captain Kendrick [of the American ship *Columbia*], who traded for him on shares. This is the way in which the man in command at the time spoke of what later accounts designate as plundering by the Spaniards.

That the promise of compensation was made in good faith is proved by the documents which Martinez submitted to the Viceroy. One is dated at San Lorenzo de Nootka, July 5, 1789, and is a "List of the provisions and other stores which have been taken at the expense of the royal treasury from the captured English packet boat *Argonaut*, for my subsist-

ence in this port; all of which are to be restored to Capt. James Colnett from the royal treasure of the department of San Blas, in case the Most Excellent Señor Viceroy of New Spain releases the vessel." An itemized statement carefully describing each article is given. Another document dated July 13 is a "List of the artillery, balls, and other armament found on board the captured English ship *Argonaut*, belonging to the free commercial company of London, which remain in my possession at the disposal of his excellency, awaiting his superior determination." Inclosed with these is a "List of the names of the captain, officers, crew, and passengers which the *Argonaut* carried." Among the officers there were 12 Englishmen and 1 Spaniard; of the sailors, 4 were English, 7 Portuguese, and 3 Filipinos; the passengers were 29 Chinese; to these were added Colnett's servant, who was a Sandwich Islander, and Duffin's, who was a Bengalese. In all, there were 58 persons. Another list includes only the 16 Englishmen, and states that they are to be sent to San Blas on board the captured ship *Argonaut*. Still another list includes the Portuguese, the Filipinos, the Chinese, and the two servants, who were to be sent on the *Aranzazu* and the other vessels that might come from San Blas. The one Spaniard had entered the service of Martinez.<sup>a</sup>

On July 13, after the above documents relating to the capture of the *Argonaut* were sealed up and the vessel was ready to be sent as a prize to San Blas, the *Princess Royal*, which had left ten days before, returned and was seized by Martinez. He says that his motive for the seizure was his wish to prevent her from carrying news of the capture of the other vessel to the company, and thus to forestall their taking measures against him before he could be reënforced.<sup>b</sup> This seems a poor excuse since the Englishmen shipped on board the American vessel could carry the news just as well.

Hudson's letter to the Viceroy gives his account of the seizure. On leaving Nootka on July 2 he had intended to

<sup>a</sup> All of these are inclosed with Martinez's account to the Viceroy, referred to above. (MS. Arch. Gen. de Indias, Seville, 90-3-18.)

<sup>b</sup> Martinez to Florez, San Lorenzo de Nootka, July 13, 1780. (Id.) This letter is of the same date and appears in the same bundle as that referred to above giving account of the *Argonaut*.

sail northward, but a storm had driven him southward and he had been unable to return for several days. On July 13 he had succeeded in getting back opposite the entrance to Nootka Sound, and being anxious to know whether Colnett had arrived, and, if he had, wishing to get from him some needed supplies and instructions for his future conduct, he determined to enter in his launch, leaving his vessel in the open. He had no fears of maltreatment since Martinez had dealt so liberally with him before. He was met by a Spanish launch, was told that Colnett was there and was sick and in trouble, was requested by Martinez to enter the port, and was invited on board the Spanish launch. He found it completely armed. His own pistol was taken from him and his launch was taken into possession. When he reached the *Princesa* Martinez informed him that he was a prisoner, as was also Colnett, and that the fault was all the latter's. Hudson was urged to give orders for his ship to come in, but refused, and the Spaniards prepared to take her by force. Seeing the futility of resisting, he advised his lieutenant to surrender. The vessel was taken at midnight and brought in the next morning. Captain Hudson does not mention here his brutal treatment at the hands of the Spaniards, which is related in other English accounts.<sup>a</sup> He says that he was allowed to go on board his own ship or anywhere else in the port that he chose.

The two English vessels left Nootka for San Blas, where they were to await the disposition of the Viceroy. The *Argonaut* sailed July 13, in charge of Tovar as prize captain. In Colnett's letter to the Viceroy he tells of the hardships that he suffered on the voyage. His belongings had been transferred to the mate's cabin, a very small room. Each night at 8 o'clock he was locked in this, and the door was not opened until morning. He was not allowed to have any intercourse with his officers except in the daytime. The com-

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<sup>a</sup> See information of William Graham. (Inclosure VII, with Meares, Memorial, appendix to Voyages.) He says that Hudson was beaten and thrown down the hatchway by the Spanish crew, who said: "Get down, you English dog." This and other such extravagant statements were probably invented to produce the desired effect on the English mind. This document is dated London, May 5, 1790, which was only a week before the Memorial was presented, and was the time when the excitement was at its height.

mandant at Nootka had either asked or taken all of his chickens and other fresh provisions, so that he had a slight attack of scurvy. His mouth, he said, ulcerated, and the captain of the prize refused to allow him to have his bread toasted for fear of destroying his teeth! Whenever there was a storm the hatchways were closed, and he almost smothered. The heat increased each day. One night he asked repeatedly for a glass of water, but it was too great a favor, and he had to wait until morning. His own condition was bad enough, but when he got to San Blas he learned that the men of his crew had suffered much more than he. They had been closely confined in irons for many days, though there were only 8 of them and four times as many to guard them.<sup>a</sup> Their chests had been broken into, and most of their clothes and personal belongings had been taken. Colnett had lost many articles that he valued very highly. After their arrival at San Blas, August 15, they received better treatment.<sup>b</sup> The *Princess Royal* arrived at San Blas on August 27, just a month after she had left Nootka. She carried 12 English and 2 Portuguese prisoners.<sup>c</sup>

On August 29, Hanson, second pilot of the *Argonaut*, committed suicide. The only known cause was melancholy, according to the statement of the Viceroy drawn from a detailed account sent to him by the commandant of San Blas.<sup>d</sup> In Colnett's published account he says that it was because of Hanson's despair at the treatment which he had received. The same writer states that several others became sick and died.<sup>e</sup> Colnett may have exaggerated somewhat the hardships of the voyage, but the letter seems to be a truthful account. Their condition, at the best, was a bad one, and they were probably confined more closely than was necessary and their wants not attended to as they might have been. It is likely, however, that most of the harsh measures taken by

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<sup>a</sup> There were also 8 officers on board. These with the 8 sailors were all of the Englishmen that had come to Nootka on the *Argonaut*. The Portuguese, Filipinos, Chinese, etc., were to be brought to San Blas later on another vessel.

<sup>b</sup> Colnett to the Viceroy, San Blas [September], 1789. (MS. Arch. Gen. de Indias, Seville, 90-3-21.)

<sup>c</sup> Florez to Valdez, Mexico, September 26, 1789. (MS. Arch. Gen. de Indias, Seville, 90-3-14.)

<sup>d</sup> Id., inclosing Comancho to Florez, San Blas, September 3, 1789. Comancho was commandant of the port.

<sup>e</sup> Colnett, *Voyage*, 96-102, note.



the prize crew were the result of excessive caution rather than wanton cruelty.

Martinez's operations at Nootka after sending his prizes to San Blas are of minor interest. He carried on some explorations in the neighborhood, studied the customs of the natives, and made, in his diary, a full report of the country and its inhabitants. On December 6 he reached San Blas, having returned in consequence of an order from Florez dated February 25, 1789.<sup>a</sup> This date shows that the events at Nootka during the summer had nothing to do with his recall, since the order was given shortly after the expedition had sailed.

When Martinez reached San Blas he had with him an American ship and schooner which he had captured just as he was leaving Nootka. He had hesitated for some time, uncertain whether he should set them free, but had finally decided to take them to San Blas to be acted on by the Viceroy. Revilla-Gigedo, who had succeeded Florez in the viceroyalty, set them free, on the ground that the Americans had not molested the Spanish settlements.<sup>b</sup> The names of the vessels do not appear in this letter. They were doubtless the *Eleanora* and the *Fair America*, under Captain Metcalf.<sup>c</sup>

Martinez also brought with him the 29 Chinese that he had taken from the *Argonaut*. To save the expense of keeping them the Viceroy said that he had decided to have them brought to Mexico, liberated, and given employment; or, if they preferred, they would be sent to the colonies and mission settlements of California.<sup>d</sup> Meares, in his memorial, declared that these Chinese laborers were detained at Nootka by Martinez and put to work in the mines that had been opened on the land belonging to Meares. Nothing appears

<sup>a</sup> Revilla-Gigedo to Valdez, Mexico, December 27, 1789. (MS. Arch. Gen. de Indias, Seville, 90-3 19.) There are several letters together of the same date. This is No. 195. No. 194 states that a copy of Martinez's diary is inclosed, but a note on a small slip of paper inserted says that the diary is not being sent on account of Martinez's not having sent a duplicate of it. The diary does not appear in the bundle and probably was never sent. Bancroft, *Northwest Coast*, I, 212, says: "I have not been able to obtain the original diaries of the Spanish expedition of 1789, nor has any preceding writer in English seen them."

<sup>b</sup> Revilla-Gigedo to Valdez, Mexico, December 27, 1789. (No. 198, MS. Arch. Gen. de Indias, Seville, 90-3-19.)

<sup>c</sup> Bancroft, *Northwest Coast*, I, 212.

<sup>d</sup> Reference cited, note b above, No. 195.

in the Spanish documents concerning any such mines. It has been stated elsewhere that Meares gave 70 as the number of Chinese taken to Nootka by Colnett. This is probably an exaggeration, since the number 29 is repeated several times in the Spanish documents, and in two places a complete list of their names is given.<sup>a</sup> From what will be stated later, it seems that the Viceroy's scheme for liberating them in Mexico was not carried out.<sup>b</sup>

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<sup>a</sup> Bancroft, *Northwest Coast*, I, 211, repeats Meares's statement that there were 70 Chinese.

<sup>b</sup> Murie, *Historia de Carlos IV*, I, 107, treats briefly the seizure of the *Aryonaut* and *Princess Royal*.

## CHAPTER VI.

### THE ENGLISH PRISONERS IN MEXICO.<sup>a</sup>

Florez, the Viceroy, who had sent the Nootka expedition, had no news from Martinez until late in the summer. Shortly after the arrival at San Blas of the first prize, the *Argonaut*, the commandant of that port dispatched a special messenger to Mexico. This messenger arrived August 26, bearing Martinez's letters and the papers from the captured ships. The Viceroy's anxiety was far from being relieved when he found himself involved, not with the Russians, but with the English. The question now was what should be done with the prizes sent for his adjudication. He was embarrassed by the fact that he was to retire from the viceroyalty within a few weeks, and whatever measures he might determine upon would have to be carried out by his successor. He decided to take no decisive step without the new Viceroy's concurrence. Within a day after the messenger's arrival the more important documents had been copied and Florez had written his report. They were hurried off to the Government at Madrid. In this report he told briefly of Martinez's voyage to Nootka, of his taking formal possession of the port and fortifying it, of his finding the American vessels and allowing them to continue their voyage, and of his seizing the *Iphigenia* and the *Argonaut*, releasing the former on bond and sending the latter as a prize. To this account he added some reflections concerning the importance of retaining the port of Nootka. He would send reinforcements and supplies to Martinez at once. The question as to whether the vessels were good prize he would leave to his successor.<sup>b</sup>

Two days after sending this account to the home Government, Florez sent orders to the commandant and commissary

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<sup>a</sup> Previous accounts give scarcely anything on this subject. This account is drawn almost wholly from manuscripts in the Spanish archives.

<sup>b</sup> Florez to Valdez, Mexico, August 27, 1789. (MS. Arch. Gen. de Indias, Seville, 90-3-18.)

at San Blas for the temporary disposition of the prize. The officers and men were to be kindly treated and supplied with lodgings and other accommodations according to their rank. Fresh food was to be furnished at public expense, an account being kept of the cost. All of their clothing was to be turned over to them, but no arms. They were to be given complete liberty within the port, but were to be closely watched to see that no one abused his privileges. A complete inventory should be made in the presence and with the help of the English captain. The latter should sign it and receive a copy for his security and protection, whatever the fate of his vessel. The perishable part of the cargo was to be sold and the rest deposited separately in the royal storehouses. The ship, after being unloaded, was to be examined, cleaned, and repaired at governmental expense, with the approval of the English commander, who should have a copy of the account.<sup>a</sup> The fact is not stated in this order, but in a letter to Madrid it appears that the ship, when repaired, was to be used in collecting supplies and reënforcements for Martinez at Nootka.<sup>b</sup> From Colnett's published account, it seems that the Englishmen were induced to do the work on the ship in the false hope of an early release. He says:

Under a promise that our detention could not be long, they persuaded us to heave down and repair the *Argonaut*, new copper her bottom, and fit new rigging. The idea of release stimulated us to work on the ship with great alacrity. So much so that our exertions threw several into fevers; and on the vessel being nearly ready, the Government threw off the mask, informing us she was to be employed for their use, and laughed again at our credulity.<sup>c</sup>

After receiving news of the arrival at San Blas of the second English prize, the *Princess Royal*, Viceroy Florez wrote again to the Madrid Government. This letter was dated September 26, and told of the steps taken with regard to the captured ships since his account written a month before. He had considered the matter carefully, and, although he had decided to leave the disposition of the prizes to his successor, yet he gave his own conclusions. He knew of no precedent

<sup>a</sup> [Florez] to the commandant and commissary at San Blas, Mexico, August 29, 1789. (MS. Arch. Gen. de Indias, Seville, 90-3-14.)

<sup>b</sup> Florez to Valdez, Mexico, August 27, 1789. (MS. Arch. Gen. de Indias, Seville, 90-3-18.) This is another letter of the same date and found in the same bundle as the one referred to in note *b* on the preceding page.

<sup>c</sup> Colnett, *Voyage*, 96-102, note.

for the capture except the conduct of the Viceroy of Peru toward the governor of Juan Fernandez, on account of the latter's not having detained the American ship *Columbia* when he found she was bound for California.<sup>a</sup> This, he said, was based on the royal order of 1692, a copy of which he inclosed.<sup>b</sup> He added that conditions had changed in a century. However, he would not disapprove the conduct of Martinez, since, he said: "Article 11 of my instructions, 'to repel force by force and to prevent hostile ships from making establishments and trading with the Indians of our coasts,'<sup>c</sup> could not have been enforced without detaining the vessels." He concluded: "For the sake of economizing expenses and avoiding hard feelings between our court and that of London, it seems to me best to allow both vessels to return to Macao, placing their commanders under bond, as Martinez did the captain of the *Iphigenia*." Everything taken from the vessels he would restore or pay for, deducting the cost of keeping the men and the expense for repairing the ship. He had not time to attend to this, but would leave it to his successor, if that official approved.<sup>d</sup>

On August 27, the day that Florez had written his first hurried account to the home Government, he had also written an account to Revilla-Gigedo, who was soon to succeed him in the viceroyalty. The correspondence that followed is valuable as showing the divided opinion in official circles regarding the justice of the seizures, and as illustrating the evolution of the new Viceroy's final decision regarding the prizes. In the first letter Florez explained briefly that, as a result of the last expedition ordered by the King, he had, without loss of time, sent Martinez to take possession of Nootka. He then recounted the grave consequences, which made it necessary to take most prudent measures, and added:

For my part I have not ventured to enter upon them, in view of the fact that I am so soon to surrender the government to your excellency.

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<sup>a</sup> See Chapter III, ante.

<sup>b</sup> The King to the officials of New Spain, Madrid, November 25, 1692. (MS. Arch. Gen. de Indias, Seville, 90-3-14.) The Viceroy of Peru had reported that an English vessel had been encountered in the Straits of Magellan. This order directs officials to exclude all foreign vessels from the South Sea unless they carry a special license from the King of Spain.

<sup>c</sup> See his instructions in Chapter III, ante.

<sup>d</sup> Florez to Valdez, Mexico, September 26, 1789. (MS. Arch. Gen. de Indias, Seville, 90-3-14.)

I look upon this business as more important than any other, and if you rank it the same I hope you will hasten your coming.<sup>a</sup>

Three days later the new Viceroy, who was attending to some public business at Veracruz, replied that he came fully instructed from the higher authorities of all the steps taken by Florez in the Nootka matter, of their approval by the junta of state, and the consequent royal order. In view of the attempt to represent the English expedition as a governmental enterprise, he especially commended Florez for having inserted in Martinez's instructions the order of the English Admiralty office to Cook telling the latter not to touch at Spanish ports except in case of necessity and then to leave as soon as possible. He thought that that wise council would not now have sent an expedition with such contrary instructions. He believed it had come simply from Botany Bay or some establishment in India. He said that it did not appear necessary for Florez to await his coming to take steps regarding the captured ships, since Florez was so well informed. As to the possibility of another English expedition being sent to dislodge Martinez, he thought there was no danger. England was too remote, and the Spanish could supply reinforcements when necessary. The English Cabinet would not undertake anything so likely to fail. In the end the unhappy affair would be settled between the Spanish and English Courts. However, he would not delay his coming to Mexico a moment longer than necessary.<sup>b</sup>

On September 2, the same day that Florez received the letter just reviewed, he answered it. In his answer there is a tone of impatience which seems to be partly because Revilla-Gigedo had not dropped everything else to attend to the prizes, and partly because the latter's approval was not enthusiastic. The new Viceroy had suggested that since the English expedition did not appear to have been sent by the Government it would have been better if Martinez had told the captains to return when they chose to the parts from whence they had come. Florez retorted: "I explained to your excellency that, according to the documents which Mar-

<sup>a</sup> Florez to Revilla-Gigedo, Mexico, August 27, 1789. (MS. Arch. Gen. de Indias, Seville, 90-3-14.)

<sup>b</sup> Revilla-Gigedo to Florez, Veracruz, August 30, 1789. (MS. Arch. Gen. de Indias, Seville, 90-3-14.)

tinez sent to me, these prizes have been made with good cause, and I think your excellency will indorse my opinion when you have given careful attention to their contents." He inclosed copies of them and called attention to the positive representations of the English captain. He continued: "Whether the English Court had any part in the plan for occupying Nootka, or whether it did not, we have often seen them lay claim to ports and territories occupied by the merchants or subjects of their nation; and there is no doubt but that they have ready naval forces incomparably greater than those which we can send from San Blas." He enlarged on the insufficiency of vessels in that port for present needs, and told of the preparations that he was making to use the captured ships to convey reënforcements and supplies to Martinez. In closing he said: "But since your excellency can not give it the preferential attention asked I have suspended my orders relative to Nootka affairs until your excellency gives me your final decision concerning the liberating or retention of the English ships."<sup>a</sup>

The loyalty with which Florez supported Martinez, and his resentment when he found Revilla-Gigedo inclined to disavow the seizures, may have arisen from a personal relation, since, as stated above, Colnett says that Martinez represented himself as the nephew of Florez.<sup>b</sup>

After having read the copies of Martinez's letters and documents, which Florez had sent, Revilla-Gigedo replied, September 9, that he was pleased to find that his opinion of the unofficial character of the English expedition was confirmed; that Colnett had been sent, not as a governor, but as a merchant; that he was not to establish a fortification but a factory, which was to be located not necessarily at Nootka, but wherever it might be with convenience, and that Fort Pitt was simply the name to be given to the factory. Had the English expedition taken any sort of possession of Nootka, he said that it would doubtless have afforded some subsequent claim. But since it had not succeeded, and since the English captain had asked permission to sail, all such fears ought to have vanished. There was the more reason

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<sup>a</sup> [Florez] to Revilla-Gigedo, Mexico, September 2, 1789. (MS. Arch. Gen. de Indias, Seville, 90-3-14.)

<sup>b</sup> See preceding chapter, p. 333.

for this, since not only had England been prevented from taking possession, but Spain actually possessed it. Since Florez had already referred the matter to the Spanish Court, it seemed to him that they could take no further step until the decision of His Majesty should arrive. He agreed that in the meantime the captured ships should be used to convey supplies to Martinez if no others were available. He had read with pleasure the timely and prudent orders of Florez for caring for the captured ships and prisoners. The weakened forces at San Blas were being strengthened and the necessary ships could be constructed. A new commandant of that port with reinforcements had set out from Veracruz the preceding day.<sup>a</sup>

In this Revilla-Gigedo maintained his former position that Martinez had insufficient ground for making the captures. He seems not to have considered what would have been the consequences if the English ships had not been seized and had established a colony elsewhere on the coast. He gave a qualified approval of the steps taken by Florez while awaiting an answer from the home Government, but he did not definitely commit himself on the question to which Florez had tried to elicit an answer—that is, whether he would declare the ships good prize.

On September 16 Florez replied that he had decided to continue his preparations for sending supplies and reinforcements to Nootka, since Revilla-Gigedo had approved using the captured ships for that purpose.<sup>b</sup>

The new Viceroy took control of the government October 18.<sup>c</sup> A few days later he wrote to the home Government concerning Nootka affairs:

When my predecessor, Don Manuel Antonio Florez, surrendered this government to me we had many extended conferences, but either because of forgetfulness or on account of preference for other weighty affairs, he did not mention the matter of the English ships captured at Nootka. He ought to have done it, since he left the business for me to settle. \* \* \* My verdict has always been opposed to the seizure of the vessels, but since my predecessor has seen fit to refer the matter to the home Government, I have concluded that I ought to do

<sup>a</sup> Revilla-Gigedo to Florez, Veracruz, September 9, 1789. (MS. Arch. Gen. de Indias, Seville, 90-3-14.)

<sup>b</sup> [Florez] to Revilla-Gigedo, Mexico, September 16, 1789. (MS. Arch. Gen. de Indias, Seville, 90-3-14.)

<sup>c</sup> Informe of Revilla-Gigedo, Bustamante [Cavo], Los Tres Siglos, III, 130.



nothing further until I have received the decision of the King. Since there were no others available at San Blas, he had made use of the captured ships, he said, to bring arms from Acapulco to that port. After their return from this trip he would send them in January with supplies and reinforcements for Nootka. By the time these operations should be completed the King's orders for detention or release would have come.<sup>a</sup>

About the time that the new Viceroy took possession of the government, letters arrived from the captains of the captured English vessels. Mention has been made of the letter which Florez wrote to the commandant and commissary at San Blas immediately after receiving news of the arrival of the first prize. Besides this letter giving orders for the care of the prisoners, the repairing of the vessels, and making an inventory of the cargo, he seems to have given instructions for obtaining a full statement of their case from the English commanders. Their letters were addressed to Florez. These are the accounts of Colnett and Hudson to which frequent reference has been made above.<sup>b</sup> In closing, Colnett said:

Your excellency will pardon me for venturing to write such a long letter, in which I have dwelt on affairs of such little importance. But if I have done so, it has been at the instance of the commandant of this port, who has told me that it was your excellency's wish. As reflecting the treatment received at San Blas [he said], I beg permission to add that all of the bad treatment which I received at Nootka and the cruelty which was practiced on me in my passage from thence hither has been entirely wiped out by the attentions and humanity of the official whom I find here in the position of commandant, Don José Comancho.<sup>c</sup>

This letter bears no date, but that of Hudson which accompanied it is dated September 18.<sup>d</sup> Inclosed with these letters was a copy of an inventory giving the original cost of each article. It was signed by Colnett and Duffin, and apparently included the cargo of the *Argonaut* only. On October 1 Colnett wrote another letter, in concluding which he said:

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<sup>a</sup> Revilla-Gigedo to Valdez, Mexico, October 27, 1789. (MS. Arch. Gen. de Indias, Seville, 90-3-21.)

<sup>b</sup> Chapters IV and V.

<sup>c</sup> Spanish translation of Colnett to Florez, San Blas [September 18], 1789. (MS. Arch. Gen. de Indias, Seville, 90-3-21.)

<sup>d</sup> Spanish translation of Hudson to Florez, San Blas, September 18, 1789. (MS. Arch. Gen. de Indias, Seville, 90-3-21.)

The climate of San Blas has proved to be very bad for me and my officers and crew. We should consider it a great favor if you would permit us to make a journey on horseback some miles inland, or allow part of us to pass a few days at some distance from the port.<sup>a</sup>

It fell to the lot of Revilla-Gigedo to answer the letters. On October 21 he wrote to Colnett:

I have read the representations which you and Captain Hudson made to my predecessor, the Most Excellent Señor Don Manuel Antonio Florez. He has turned over to me all of your complaints against the proceedings of the commandant of Nootka, Don Estevan José Martinez. My dealings shall be based on the laws of reason, equity, and justice. This is all that I can or should say at present. I assure you and Captain Hudson that yourselves and all the people of your vessels shall be treated with such attention as is demanded by the friendship and harmony existing between our Sovereigns.<sup>b</sup>

Having thus temporarily disposed of the question of the captured ships, the Viceroy busied himself about carrying out a "royal order of the 14th of last April for sustaining with vigor our new establishment at Nootka." He wrote to his superior at Madrid how he had planned to send, in the following January, a new expedition of three vessels with complete equipment, supplies, and reënforcements. It was to be commanded by a military official. He was to succeed Martinez as commandant of Nootka, and was to receive from Martinez complete instruction regarding the country and its inhabitants. This would contribute the greatest possible security to the establishment in that port. But the plan had been completely overthrown by the return of Martinez with all of his ships to San Blas December 6.<sup>c</sup> At first this had caused the Viceroy great inquietude, but soon he had modified his plan and was again pushing it to completion. The new commandant was to be Eliza, and Martinez should accompany him in the office of pilot. The Spanish possession of Nootka was to be vigorously maintained if any foreign power should attempt to dispute it. One of the three ships was to be the captured *Princess Royal*. The *Argonaut* had already gone to Acapulco and returned to San Blas loaded with artillery to furnish armament for the expedi-

<sup>a</sup> Spanish translation of Colnett to the Viceroy. San Blas, October 1, 1789. (MS. Arch. Gen. de Indias, Seville, 90-3-21.)

<sup>b</sup> [Revilla-Gigedo] to Colnett, Mexico, October 21, 1789. (MS. Arch. Gen. de Indias, Seville, 90-3-21.)

<sup>c</sup> See last chapter.

tion.<sup>a</sup> This new enterprise may be dismissed for the present to follow the fate of the English prisoners.

Before turning to the dealings of the Viceroy with the Englishmen it is interesting, though not essential to the narrative, to notice the final exit of Martinez from the stage that his rashness had brought into prominence. In a letter of February 26, 1790, the Viceroy mentioned a royal order of October 13, 1789, "informing me that at the instance of Doña Gertrudis Gonzales, wife of Don Estevan José Martinez, ensign of the navy, the King had resolved that I should arrange to transfer this official to those dominions [Spain], or that in case his continuance at San Blas was necessary to the service that I should withhold a third part of his salary, to be applied to the support of his wife and of one daughter 17 years old."<sup>b</sup> Thus it appears that while Martinez was getting himself and his Government into trouble in America his family in Spain was in trouble because he had neglected their support. The Viceroy gave orders at once for Martinez's return from Nootka on the first vessel coming to San Blas, in order that he might go to Spain and rejoin his family. His services were no longer necessary, it was said, there being enough officials without him. It should be noticed that this order was given more than two months before news reached Spain of Martinez's operations at Nootka. So that could have had no influence on his recall.

The request for a change of climate made by Colnett in his second letter to the Viceroy, mentioned above, was granted. In Colnett's published account he says: "We were removed 60 miles up the country; here we were allowed great liberty and better treatment,"<sup>c</sup> and permitted to remain "the six latter months of our captivity."<sup>d</sup> This was at a place called Tepic. Not only was this favor granted, but the English commanders were allowed to go in person and plead their case before the Viceroy. Speaking of Bodega y Quadra, the new commandant of San Blas, Colnett says:

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<sup>a</sup> Revilla-Gigedo to Valdez, Mexico, December 27, 1789. (MS. Arch. Gen. de Indias, Sevilla, 90-3-19.)

<sup>b</sup> Revilla-Gigedo to Valdez, Mexico, February 26, 1790. (MS. Arch. Gen. de Indias, Sevilla, 90-3-26.)

<sup>c</sup> Colnett, *Voyage*, 96-102, note.

<sup>d</sup> *Id.*, 105.

To this officer I am greatly indebted for his kind attention and obtaining permission for me to go to Mexico to claim redress for our past treatment.<sup>a</sup>

In Revilla-Gigedo's first account of the matter to the home government he had mentioned the English captain's complaint of the bad faith and worse treatment of Martinez. He said he had offered to give them a hearing in court, but it would be impossible to do this without giving Martinez a hearing at the same time.<sup>b</sup> When writing this he supposed that Martinez was at Nootka and would remain until relieved of his command. But although Martinez returned to Mexico shortly thereafter, still the trial was not held, since he had to go again to Nootka as pilot of the expedition under Eliza. The Viceroy, in his published "Informe," tells of the promised trial and why it was not held:

The captain of the *Argonaut*, James Colnett, and that of the *Princess Royal*, Thomas Hudson, his subaltern, asked and I gave them permission to come to this capital. They produced their complaints against Martinez and I ordered the case to be drawn up. But it could not be continued, because the defendant and some of the witnesses were necessarily employed in the royal service and the plaintiffs wished to be set free as soon as possible.<sup>c</sup>

Speaking of his stay at the capital, Colnett says:

On my arrival at Mexico and during my residence there I was treated by the Viceroy, Don Revilla-Gigedo, with greater politeness and humanity, and, indeed, by all ranks of people in that city.<sup>d</sup>

The time of the arrival of the English captains at Mexico seems to have been about the first of the year. They received no definite answer to the question whether their ships should be condemned or released until late in April. The Viceroy was waiting for an answer from the home Government to the first account of the seizures which Florez had written the previous August. This account had not reached the Government until December 30.<sup>e</sup> Florez's second account was received three days later.<sup>f</sup> Thus by the second day of

<sup>a</sup> Colnett, *Voyage*, 96-102, note.

<sup>b</sup> Revilla-Gigedo to Valdez, Mexico, October 27, 1789. (MS. Arch. Gen. de Indias, Seville, 90-3-21.)

<sup>c</sup> Informe of Revilla-Gigedo, April 12, 1793. (Bustamante [Cavo], *Los Tres Siglos*, III, 132.)

<sup>d</sup> Valdez to Floridablanca, December 30, 1789. (MS. Arch. Hist. Nacional, Madrid, Sec. Estado, 4291.)

<sup>e</sup> Valdez to Floridablanca, January 2, 1790. (MS. Arch. Hist. Nacional, Madrid, Sec. Estado, 4291.)

the new year the Government had a full account of the seizures and copies of all of the documents. No reply was made until January 26. When this reply reached the Viceroy, greatly to his surprise and disappointment, it gave him no advice, but instead it asked for his determinations concerning the question whether the ships were good prize.

Revilla-Gigedo resolved to wait no longer for advice, and so took the responsibility upon himself. In answer to the request from Madrid, he wrote, on May 1, 1790, his conclusions, as follows:

They have been to liberate the English prisoners on the conditions shown by inclosed letters. Colnett, who came to Mexico with my consent to present his complaints, will now return to San Blas, where he will receive his ship, the *Argonaut*. Embarking there with all of the English and Chinese,<sup>a</sup> he will return to Macao or wherever he wishes. At Nootka he will receive from the commandant, Don Francisco Eliza, the sloop *Princess Royal*, which will be turned over to her master, Thomas Hudson. These foreigners are warned not to delay, trade, nor establish themselves on our Spanish coasts under threat of punishment for violation. I have felt compelled to release them, considering that I ought not to hold as good prize a few little vessels found on a distant and deserted coast of our colonies of California; and considering the uselessness of burdening the royal treasury with some 60 men, whose scanty sustenance has to be provided for in the feeble and expensive establishment of San Blas in order that the just sentiments of humanity might not be violated, and that the plans of my predecessor might be carried out.<sup>b</sup>

This action of Revilla-Gigedo and the grounds here given for the release of the English ships are consistent with the position taken by him as soon as he heard of the affair, namely, that the vessels ought never to have been seized. It will be interesting to notice the subsequent change in his position.

Colnett had been informed of the decision of the Viceroy on April 27.<sup>c</sup> On the same day orders were sent to San Blas for carrying it out. The commandant, Bodega y Quadra, was to surrender the *Argonaut* to Colnett in good condition, and was to give orders to Eliza at Nootka to

<sup>a</sup> Florez's plan, mentioned in the last chapter, for taking the Chinese to Nootka and liberating them, had evidently not been carried out.

<sup>b</sup> Revilla-Gigedo to Valdez, Mexico, May 1, 1790. (MS. Arch. Gen. de Indias, Seville, 90-3-21.)

<sup>c</sup> Revilla-Gigedo to Colnett, Mexico, April 27, 1790. (MS. Arch. Gen. de Indias, Seville, 90-3-21.)

surrender the *Princess Royal* to Hudson in the same condition. The small schooner, since it could not be taken apart to be put on the larger vessel, was to be paid for. All belongings were to be returned to the prisoners. The supplies deposited in the royal storehouses were to be given back, an equivalent was to be given for everything applied to the royal service, and whatever had been lost was to be paid for. All this was to be done in such a manner as to avoid complaint.<sup>a</sup> Besides having all of their belongings restored, the commissary was to pay wages to all, extending from the day of their capture until they were released. Colnett was to be paid as a lieutenant of the navy, and all others according to their rank as regulated by the scale of wages for the South Sea. A general account was to be made of all expenses occasioned by the captured ships.<sup>b</sup> The Viceroy argued, in a letter to the home Government, that the English South Sea Company, under whose license Colnett was navigating, should repay to the royal treasury of Spain all expenses occasioned by the captured ships. His reason was that their agents made the seizure necessary by coming to the coast of California, where they could neither establish themselves nor enjoy commercial advantages by right.<sup>c</sup>

In the packet which Revilla-Gigedo sent on May 1 he inclosed a letter from Colnett to the British ambassador at Madrid, presenting his complaints against Martinez.<sup>d</sup> The Viceroy added that he hoped these would be considered when Martinez reached Spain.

The Viceroy considered that he was treating Colnett very liberally, and it does seem that he had allowed about all that could be expected if his orders should be faithfully carried out. Colnett, however, was not fully satisfied and presented a number of formal requests. He enumerated a list of things which he requested should be sent from Mexico to fit out his ships. These were granted. He asked that all of the

<sup>a</sup> Revilla-Gigedo to Bodega y Quadra, Mexico, April 27, 1790. (MS. Arch. Gen. de Indias, Seville, 90-3-21.)

<sup>b</sup> Revilla-Gigedo to the commissary of San Blas, Mexico, April 27, 1790. (MS. Arch. Gen. de Indias, Seville, 90-3-21.)

<sup>c</sup> Revilla-Gigedo to Valdez, Mexico, May 1, 1790. (MS. Arch. Gen. de Indias, Seville, 90-3-21.)

<sup>d</sup> Copies of this letter from Colnett to the British ambassador at Madrid, one to Cadman, Etches & Co., one to Colnett's mother, and one to P. Stephens, of the Admiralty office at London, all dated May 1, 1790, are in Madrid. (Arch. Hist. Nacional, Madrid, Sec. Estado, 4291.)

wages of both crews be paid to him as commander, which was granted also. He demanded payment for himself as commandant of an expedition, but he was allowed pay only for a lieutenant, which was less than half as much. He demanded the return of the schooner which he had brought in the *Argonaut*, but which Martinez had taken. He was to have pay for it. He wished the *Princess Royal* to return to San Blas for her crew, but he was compelled to wait until he should get to Nootka for her. He demanded a money payment of not more than £3,000 to reimburse himself for personal valuables and nautical instruments lost. The Viceroy refused this, since he had ordered that all of these should be returned or paid for at San Blas. He asked for a special interpreter to be appointed for him, but this was refused as unnecessary. His request for the return of his servant, a Sandwich Islander, was at first refused, but later granted. The Viceroy was attempting to keep this man, who was said to be chief of one of the islands, ostensibly that he might be converted to the Catholic religion; but probably the real reason was to use him in getting an opening for a Spanish settlement on the Sandwich Islands. He had flattered the vanity of the savage by promising to send him to see the King of Spain. Colnett's persuasion prevailed. The most important request was that for a passport which should allow greater privileges than the Viceroy's order for his release had granted.<sup>a</sup>

The Viceroy had forbidden the Englishmen to make any establishment, to trade, or even to tarry on the coast; and in his first reply to Colnett's demands he repeated the prohibition. Three days later Colnett wrote again, using very plain language. He called attention to the instructions under which he had sailed with a license from the British Government. Those instructions required him to trade with the Indians and to form an establishment for that purpose. The Viceroy's instructions had ordered him to sail directly to Macao, without stopping on the coast. He pointed out the inconsistent position in which he was placed. The right of Spain to the coast was a point to be settled—he

<sup>a</sup> Colnett to Revilla-Gigedo, Mexico, May 3, 1790, and answer, Revilla-Gigedo to Colnett, Mexico, May 4, 1790. (MSS. Arch. Gen. de Indias, Seville, 90-3-21.)

hoped, in a friendly manner<sup>a</sup>—between the Cabinets of Madrid and St. James. It was clear that the right was not recognized by the English, as was shown by the patent and instructions which he bore. That same year the privilege granted to his company would expire. Let Spain see, in a friendly manner, that it should not be renewed, but the Viceroy should not oppose the pacific execution of a commercial undertaking attempted in good faith and at so great an expense. He demanded a passport with only one prohibition, namely, to trade with Spanish ports.<sup>b</sup>

Colnett's arguments had the desired effect. On May 11 the Viceroy sent him a passport with only the one prohibition and expressly stating that he might carry on his operations in places not actually under Spanish dominion.<sup>c</sup> In the letter inclosing the passport he trusts that they will not think of making an establishment on the coast or of trading to the prejudice of the Spanish nation.<sup>d</sup>

It is noteworthy that in this passport the Viceroy reversed his decision of ten days before and declared that Martinez's seizure of the vessels was well founded. He cited laws and royal orders which he said not only absolutely forbade the navigation, establishment, and trade of foreign nations on the American coasts of the South Sea, but ordered them to be looked upon and treated as enemies. His reason for freeing the English ships, he now said, was to preserve harmony and a good understanding between the subjects of His Catholic Majesty and the King of Great Britain. The change in his mental attitude seems to have been brought about by the stubborn persistence with which Colnett urged his demands in the meantime. By the latter part of May, when he wrote again to the home Government, the Viceroy had formulated his decision. He declared:

The coasts north of California are truly and justly the dominions of our Sovereign. According to the royal order of November 25, 1692,

<sup>a</sup> Had Colnett and the Viceroy known of the feverish excitement in Europe at this very time in expectation of a war over this quarrel between sea captains this veiled threat would not have seemed so obscure.

<sup>b</sup> Colnett to Revilla-Gigedo, May 7, 1790. (MS. Arch. Gen. de Indias, Seville, 20-3-21.)

<sup>c</sup> Passport signed by Revilla-Gigedo, Mexico, May 11, 1790. (MS. Arch. Gen. de Indias, Seville, 90-3-21.)

<sup>d</sup> Revilla-Gigedo to Colnett, Mexico, May 11, 1790. (MS. Arch. Gen. de Indias, Seville, 90-3-21.)



of which my predecessor sent a copy, and according to the treaty, to which it refers, of 1670, ratified and confirmed by article 2 of that of 1783, all of the vessels which Don Estevan José Martínez, ensign of the royal navy, found in Nootka were legitimate prizes. The release of the packet boat *Argonaut* and the sloop *Princess Royal* has been the result of pure generosity.<sup>a</sup>

This is a complete reversal of his decision quoted above from his letter of twenty-six days earlier. In his "Informe" of three years later the Viceroy cited in addition as grounds for his decision an article of the orders of the royal navy, and also a royal order of October 18, 1776, "to detain, seize, and prosecute any foreign ship which arrives in our ports of the South Sea."<sup>b</sup>

A royal order had been finally given, March 23, definitely instructing the Viceroy to liberate the captured ships. In a letter of June 26 Revilla-Gigedo said that the royal order of March 23 had been completely satisfied by his accounts of May 1 and 27. He was pleased that he had conformed so happily to the decisions of the King.<sup>c</sup>

According to Colnett's published account, he found on his return to San Blas that the *Argonaut* was in a bad condition on account of the treatment she had received. He says that the Viceroy's liberality in allowing wages was counterbalanced by the charges for maintenance, traveling expenses, medical assistance, and an allowance of eight months' provisions. He says also that before he was allowed to sail he was compelled to sign a paper expressing his complete satisfaction with their usage.<sup>d</sup> That paper was signed July 8, 1790, and is as follows:

I have the honor of informing your excellency that to-day I have been dispatched from San Blas: and I also have the satisfaction of adding that I have reason to be content with the treatment of the commandant and commissary of this department.

With all proper submission, I ask permission of your excellency to add that the money which I have received here is little more than the amount of my individual loss, and is not the fifth part of the damages by the most moderate calculation. Since I shall have to

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<sup>a</sup> Revilla-Gigedo to Valdez, Mexico, May 27, 1790. (MS. Arch. Gen. de Indias, Seville, 90-3-21.)

<sup>b</sup> Informe of Revilla-Gigedo, April 12, 1793. (Bustamante (Cavo), Los Tres Siglos, 111, 132.)

<sup>c</sup> Revilla-Gigedo to Valdez, Mexico, June 26, 1790. (MS. Arch. Gen. de Indias, Seville, 90-3-21.)

<sup>d</sup> Colnett, Voyage, 96-102, note.

turn matters over to the company which employs me, I hope that your excellency will have consideration in keeping with your known generosity, and will not allow them to suffer such losses.<sup>a</sup>

This, if true, indicates that Colnett's apprehensions of illiberal treatment at San Blas were well founded. On his arrival at Nootka the *Princess Royal* was not there. June 11 of the next year she was dispatched from San Blas to be surrendered to Colnett or some other representative of the company in China.<sup>b</sup> Colnett fell in with her and she was handed over at the Sandwich Islands.<sup>c</sup>

This closes the Nootka affair as far as events on the American continent are concerned. Before the Viceroy had finally decided to liberate the prisoners, the matter had been taken up by the home Governments, and all Europe was ablaze with excitement over an expected war. The center of interest now shifts to the diplomatic controversy, which is the most important phase of the Nootka incident.<sup>d</sup>

<sup>a</sup> Colnett to [Revilla-Gigedo], San Blas, July 8, 1790. (Arch. Gen. de Indias, Seville, Sec. Estado, Audiencia de Mexico, 1790.)

<sup>b</sup> Revilla-Gigedo to Floridablanca, Mexico, December 30, 1791. (Arch. Gen. de Indias, Seville, Sec. Estado, Audiencia de Mexico, 1791.)

<sup>c</sup> Colnett, Voyage, 96-102, note.

<sup>d</sup> The obscurity of the facts discussed in this chapter is illustrated by the following quotations:

"It has been generally supposed from later diplomatic correspondence that the Viceroy in restoring the vessels acted on his own judgment; but it appears from his own statement that he acted probably in accordance with orders from Spain, dated January 26, 1790." (Bancroft, Northwest Coast, I, 223.) This author's conclusion is exactly contrary to the fact, as has been shown above. The Viceroy did act on his own authority, finally, as has been shown; and this communication of January 26 gave no orders. The Viceroy's statement, to which Bancroft here refers, is the Informe of Revilla-Gigedo, published by Bustamante, which is very brief and sometimes misleading. Bancroft devotes a little more than one page to discussing the subject-matter of this chapter. Besides this Informe he had the note in Colnett's Voyage.

Greenhow, Oregon and California, p. 200, speaking of the restoration of the English ships, says: "It was at length decided that . . . they should be released, with the understanding, however, that they were not again to enter any place on the Spanish-American coasts, either for the purpose of settlement or of trade with the natives." This was the Viceroy's order at first, but in the passport he gave permission to touch at places not under Spanish control, as shown above. The same writer, speaking of Colnett's failure to get the *Princess Royal* at Nootka, as promised, says: "On arriving at the sound Colnett found the place deserted." The sloop was not there, but there was a substantial Spanish settlement, as will be shown later.

"La autoridad superior de Nueva España no sancionó el hecho [Martínez's seizure of the English vessels]; apenas llegó á su noticia, atendiendo á las buenas relaciones en que estaban los Gobiernos de ambos Estados y á la ignorancia en que suponía á las propietarios de los bajeles, ordenó la inmediata soltura de estas con sus cargamentos." (Duro, Armada Española, VIII, 10.)

What has been discussed so far might be briefly summarized as follows: As far as discoveries and explorations, which could give definite claims, are concerned, the Spanish were the earlier; but the English were made in ignorance of the Spanish, and the results of the English were published first. Spain could claim a prescriptive title from the fact that she had maintained for so long an undisputed claim, and from the additional fact that the land was contiguous to her settled Mexican dominions; but the English were the first to attempt to develop the country by exploiting the fur trade. The first actual establishment was made by the English, and, although it was temporarily abandoned in the autumn, it was with the evident intention of renewing, enlarging, and making it permanent in the spring; but unfortunately for what was, in the autumn of 1789, an unquestionably superior claim, it was counterbalanced by the arrival of a Spanish expedition in the spring of 1790, a few days before the English returned to resume their occupation, and when there were no signs of previous or intended occupation. The fact that the Spanish expedition was public while the English was private, favored the former. From these recapitulations it is plain that there was abundant ground for disputing the respective rights.

As to the justice or injustice of the seizures at Nootka, there is also room for dispute. The *Iphigenia*, by pretending to be a Portuguese when she was really an English ship, aroused a just suspicion, and what was probably a harmless trick, meant solely to deceive the Celestials, as-

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This work was published in 1902, and is considered the best on the Spanish navy.

The error, which is a common one, of thinking that they were released by the Viceroy immediately, doubtless arises from the Spanish minister's statement in his memorial of June 13, 1790, to the British ambassador, published in the Annual Register, XXXII, 296. This states that the Viceroy released the vessels without declaring them lawful prize, and allowed them to return to Macao under bond as the *Iphigenia* had been disposed of. These two statements are exactly contrary to the fact. The Viceroy did declare them lawful prize, and did not place them under bond. What the Spanish minister said had been done was what Florez had said, in his second account to the home Government that he thought ought to be done, but which he left his successor, Revilla-Gigedo, to do. The Spanish minister had inferred that the new Viceroy would do this, but that official had not done it, as has been shown.

Oscar Browning, Cambridge Modern History, VIII, 290, says more correctly that they "were released by the Viceroy on the ground of the friendly relations existing between the two nations, and the probability that the traders were ignorant of Spanish rights."

sumed a grave appearance when the added suspicion of piracy was aroused. But this suspicion of piracy was based on a mistake made by the Spaniard in translating the ship's instructions. Having seized her on the ground of this double suspicion, for the sake of consistency and to hide his blunder, Martinez justified his rash act on a totally different ground, but one which was plausible from the Spanish view. When the *Argonaut* arrived her captain made the mistake of rashly declaring his purpose before he knew his opponent's strength, and of manifesting too much impatience to get out of the power of a man who would probably have allowed him to depart in peace had he been patient. Then a quarrel, caused largely by the mistakes of a blundering interpreter, ended in the Spaniard's making another rash seizure, this one without so much as having had the Englishman's papers translated.

When the matter was transferred to the officials in Mexico, the outgoing Viceroy, instead of shouldering the responsibility and acting at once, attempted to shift it to his successor. The failure of the two to agree led to an awkward delay of several months. Then after the new Viceroy finally declared that the vessels were not good prize, a quarrel with the liberated Englishman led him to reverse his decision, so far as the principle was concerned, though his change did not affect the fact of the Englishman's freedom.

The whole episode to this point seems to have been a series of blunders, and would not merit careful consideration had not the consequences been so serious for the home Governments.

## CHAPTER VII.

### ATTEMPTS AT PEACEABLE SETTLEMENT.

The Spanish name of greatest importance in the diplomatic contest with England in 1790 is that of Count Floridablanca. He was of humble origin. His ability as a diplomatist was established while ambassador to the Papal Court, especially in the suppression of the Jesuit order. "This result [says Tratchevsky] was due in great measure to the skill and energy of the Spanish ambassador at Rome, Don José Moñino. As a recompense, Charles III conferred on him the title Count Floridablanca, and soon made him prime minister (1777)."<sup>a</sup> He retained this position fifteen years. "His integrity and love of labor won for him the entire confidence of Charles III, who found in him the industrious and respectful servant whom he sought."<sup>b</sup> He was a great worker, of clean morals, beneficent, but very proud."<sup>c</sup> He was a devoted servant of monarchy and an enthusiastic adherent to the principle of aristocracy. But on account of his recent elevation to the rank of a noble he did not enjoy the favor of the upper classes. Zinovief, the Russian ambassador, wrote: "The nobles and the soldiery despise him, and he, in turn, takes no pains to hide his aversion to them. No one of the great nobles enjoys any considerable importance at Court or in the confidence of the King. Floridablanca seems intentionally to push everyone else aside that he alone may enjoy the Sovereign's favor. Even the King's confessor, who, it seems, should have nothing to fear, has to yield to him. \* \* \* Everybody trembles before him."<sup>d</sup>

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<sup>a</sup> Tratchevsky, *L'Espagne à l'Epoque de la Révolution française*, *Revue Historique*, XXXI, 5.

<sup>b</sup> Desdevises du Desert, *L'Espagne de l'Ancien Régime*, II, 39.

<sup>c</sup> Grandmaison, *L'Ambassade française en Espagne pendant la Révolution*, 7.

<sup>d</sup> Quoted by Tratchevsky, work cited above, p. 5. The Russian ambassador was thoroughly familiar, in an official way, with Floridablanca. The former had been at the Court of Madrid before the latter became prime minister and remained until after the latter's retirement. He was an ardent admirer of the great Spanish minister. His dispatches in the archives at Moscow were the chief source for Tratchevsky's article.

This enviable position was enjoyed by the great minister until the death of Charles III (1788). He was retained by Charles IV, but it was not long before his position began to be undermined by court intrigues. Baumgarten says:

The Queen sought occasions to cast reproaches upon him over a multitude of trifles, and, according to the testimony of Sandoz, this mighty man was more busily engaged in these bagatelles than in the weighty affairs of state.<sup>a</sup> \* \* \* The Queen found willing accomplices among the Count's associates in the cabinet. By 1790 his power was greatly diminished, so that he entered the contest with England considerably handicapped.<sup>b</sup>

The controversy between England and Spain did not seem so one-sided at that time as it does when viewed in the light of the subsequent history of the two countries. The thirty years' reign of Charles III, which had just closed, is the most glorious period of Spanish history, with the single exception of her period of preeminence in the sixteenth century. Desdevises du Dezert says: "In Charles III Spain had a real King, the only one she had had since Philip II."<sup>c</sup> Speaking of his position in Europe, the same author says:

His foreign policy was wise. He rightly considered England as the true enemy of Spain. He feared for the Indies; he beheld them invaded by English merchants and adventurers, by English merchandise and ideas. To protect the colonies he hurled upon them a new current of Spanish emigration, and decreed liberty of commerce between the Peninsula and America. He allied himself with France in order to combat England; and, notwithstanding some reverses, the war was closed to the advantage of Spain, which country in 1783 again took her place as a great European power.<sup>d</sup>

When the conflict came, in 1790, although nearly two years of the reign of Charles IV had passed, little was known of the weakness of the King, the corrupting influence of the Queen, and the intrigues in the ministry. Europe of the time saw in Spain a country rapidly forging to the front,

<sup>a</sup> Baumgarten, *Geschichte Spaniens zur Zeit der françoesischen Rev.*, 268. Sandoz was the Prussian ambassador at Madrid. His dispatches sent to Berlin furnish the chief basis for Baumgarten's work.

<sup>b</sup> *Id.*, 268-276. In these pages the author discusses the internal conditions of Spain, the court intrigues and ministerial complications. On April 25, 1790, there was a reorganization of the ministry. The department of justice, which Floridablanca had hitherto controlled, was taken from him, and with it went an extensive appointing power that had contributed much to his prestige. He was even given an associate in the department of foreign affairs, who should act when sickness or absence incapacitated the Count.

<sup>c</sup> Desdevises du Dezert, *L'Espagne de l'Ancien Régime*, II, 14.

<sup>d</sup> *Id.*, 18.

with a rejuvenated kingship, and a minister second only to Pitt.<sup>a</sup> Led by this minister, Spain had less than a decade before been largely instrumental in humiliating England; and since then she had persistently refused to make any commercial concessions to her vanquished antagonist. The same minister now dared to intervene between the Czar and the Porte. He was also negotiating for an alliance between Spain, France, Austria, and Russia.<sup>b</sup> If this quadruple alliance should prove successful the outlook for England would be dark, notwithstanding her triple alliance with Prussia and Holland.

Such, briefly, was the political condition of Spain, internally and externally, when news arrived of the occurrences at Nootka Sound which have been discussed in the foregoing chapters.

As stated above, it was at the very beginning of the year that the intelligence was received which was soon to throw all Europe into a war fever. On January 2, 1790, Valdez<sup>c</sup> sent to Floridablanca the second installment of letters and documents concerning the occurrences at Nootka. Three days earlier he had sent the first bundle.<sup>d</sup> These two packages contained a complete account of the affair, with copies of all the documents. Valdez asked for His Majesty's pleasure concerning the matter.

On January 4, Anthony Merry, the English chargé d'aff-

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<sup>a</sup> Grandmalson, *L'Ambassade française en Espagne pendant la Rév.*, 8. This quotes the following from Comte de Vaudreuil to Comte d'Artois, July 2, 1790, published in Pingaud, *Correspondance Intime pendant l'Emigration*, I, 219: "C'est un homme loyal, qui poursuit toujours et sans se rebuter ce qu'il a une fois entrepris. Soyez sûr que M. Floridablanca est (sans en excepter même M. Pitt) une des meilleures têtes de tous les cabinets de l'Europe."

<sup>b</sup> Baumgarten, *Geschichte Spaniens zur Zeit der franzoesischen Rev.*, 283.

<sup>c</sup> The Viceroy's letters were addressed to Valdez. He was minister of marine and, before the reorganization of the ministry mentioned above, also treasurer for the Indies. At that reorganization the finances of the Indies were transferred to the regular department of finance, at the head of which was the ungrateful Lerena, who was the leader of the ministerial opposition to Floridablanca in spite of the fact that he owed his entire political advancement, and even his position in the ministry, to the Count. Valdez was the man who was made associate to Floridablanca in the foreign office. He also retained the ministry of marine. (See Baumgarten, *Geschichte Spaniens zur Zeit der franzoesischen Rev.*, 268-276.)

<sup>d</sup> See Chapter VI, ante, for a complete discussion of the contents of these letters from the Viceroy. The first was written August 27, 1789, on receipt of the news of the arrival of the *Argonaut* at San Blas, and the second, September 26, after the arrival of the *Princess Royal*. The letters from Valdez of December 30 and January 2 give both numbers and dates of the letters from the Viceroy, showing that they contained full accounts.

fares at Madrid wrote to the Duke of Leeds, British secretary for foreign affairs, giving a very confused account based on rumors. Word had just arrived from Mexico, he said, that a small Spanish ship of war had captured an English vessel in the port of Nootka. There were conflicting accounts of the event. Some said "that the Viceroy of Mexico, having had notice that the English were forming an establishment at the above-mentioned place, ordered a ship there to take possession of it." Others said that the Spanish ship was there simply to reconnoiter the coast. There were also conflicting accounts of what was done with Russian, Portuguese, and American ships found in the same port, some stating that all were allowed to go free except the English; others, that all were seized and only the American released, Merry had not yet been able to learn the name of the English vessel or her master. All accounts agreed that she had come for the purpose of forming a settlement, that other vessels were to follow, and that the captured ship had been manned with Spanish seamen and sent to Mexico.<sup>a</sup>

This was the first account to reach London.<sup>b</sup> It is not strange that mistaken notions were formed. Fired by hatred for the Spaniards, it was natural that the English should consider the act much more atrocious than it was. The indefiniteness and inconsistency of the accounts gave room for

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<sup>a</sup> Merry to Leeds, Madrid, January 4, 1790. (A Narrative of the Negotiations Occasioned by the Dispute Between England and Spain in the Year 1790, 1.)

This Narrative is a very rare book, and very valuable for the subject in hand. No previous writer on the Nootka controversy has consulted it. Probably only a few copies were printed. The King's own copy is now in the British Museum. That obtained for use in this study is the only other copy that Messrs. Henry Stevens, Son & Stiles, antiquarian booksellers of London, have noted during the whole of their business experience. Neither date nor name of publisher nor author is given. The British Museum catalogue gives 1791(?) as the date. It is evidently an official account prepared in the foreign office especially for the King. In a letter from J. B. Burges, under secretary for foreign affairs, to Lord Auckland, dated Whitehall, November 12, 1790, found in B. M. Add. MSS. 34434, f58, he mentions an "interesting Narrative, which, at leisure hours, I have prepared for the King, of the whole of this business." A careful comparison of the printed Narrative with the documents in the public record office reveals the identity of the printed Narrative with the Narrative mentioned by Burges in this letter. The comparison also revealed the fact that the printed account is full and faithful. It is necessarily condensed, but nothing of importance is omitted.

The British chargé is the same Merry who, later, as minister to the United States, was connected with the Aaron Burr conspiracy.

<sup>b</sup> This news reached London January 21. It is usually stated that the British Court knew nothing of the matter before receiving the Spanish note of February 10.



full play of the imagination. The Spanish Court, which had complete accounts, either did not study them carefully enough to get at the whole truth, or intentionally kept the British Court in the dark. No English account arrived for nearly four months. Such a period of uncertainty and suspense prepared a fertile field in which the exaggerated accounts then arriving produced a fruitful crop of error.

Three days after sending the above confused account Merry inclosed an extract from a letter written in Mexico, which he had seen. This letter seems to have been unofficial. Respecting the genesis and purpose of the Spanish expedition it is true to the facts. It tells briefly of the expedition of 1788 to investigate the Russian settlements, of the discovery that the Russians intended to occupy Nootka, and of the Viceroy's prompt action to anticipate them. But respecting the events at Nootka little is told except the seizure of an English vessel and its arrival in Mexico as a prize.<sup>a</sup> On January 15 the British chargé wrote of a conference with Floridablanca on the subject. "The Count avoided explaining to him the particulars of the transaction, or avowing clearly the seizure of the vessels; neither did he enter upon the question of our right to trade or to form an establishment in that part of the continent of America." He said that he would direct the Marquis del Campo, the Spanish ambassador at London, to impart the circumstances to the Duke of Leeds.<sup>b</sup>

In virtue of this promise Floridablanca instructed Campo, January 20, regarding the communication which he was to make to Leeds. This communication will be studied presently.<sup>c</sup> A week after sending his harsh instructions the

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<sup>a</sup> "Narrative" cited on foregoing page.

<sup>b</sup> *Id.*, 9.

<sup>c</sup> That these instructions were written January 20 is stated in Campo to Floridablanca, London, February 28, 1790. (MS. Arch. Hist. Nacional, Madrid, Sec. Estado, 4291.) The date is significant when it is noticed that on the same day he wrote a querulous letter to Montmorin, minister for foreign affairs at Paris. He expressed pity for France and her King and complained that in the present circumstances that country was not in a condition to support Spain as she should. He made no mention of the Nootka affair or of the sharp protest which he was sending to the British Court the same day. But he evidently had it in mind and was thinking of the complications to which it might lead. (See Floridablanca to Montmorin, Aranjuez, January 20, 1790, MS. Arch. Hist. Nacional, Madrid, Sec. Estado, 4291.) The same is printed in Calvo, *Recueil Complet des Traités de l'Amérique Latine*, III, 104.)

Count attempted to smooth matters over in another conference with Merry. He wished to see the present harmony between the two courts preserved and improved, and "hoped that no event might happen which might cause Great Britain to deviate from her present pacific system."<sup>a</sup>

The first three letters from Merry had reached London before February 2. On that day the Duke of Leeds wrote cautioning him to be extremely guarded in what he should say, until definite instructions could be sent after Campo's communication should have been received. He declared that England undoubtedly had a complete "right to visit for the purposes of trade, or to make a settlement in, the district in question."<sup>b</sup> When this positive declaration by the British Cabinet at the very first is compared with the demand of the Spanish Court, received a few days later, it is seen that a conflict was inevitable unless one side should yield.

The expected communication from Campo was received by Leeds February 11. Since it was this note that started the diplomatic controversy, and since it has not before been made public, it is worth while to quote it in full. It is dated "Manchester Square, February 10, 1790," and is as follows:

MY LORD: Continuing the frequent expeditions which the King, my master, has ordered to be made to the northern coasts of California, the Viceroy of Mexico sent two ships, under the orders of Don Estevan José Martínez, ensign of the navy, to make a permanent settlement in the port of San Lorenzo, situated about the fiftieth degree of latitude, and named by foreigners "Nootka," or "Nioka," of which possession had formerly been taken. He arrived there the 24th of last June. In giving his account to the Viceroy, M. Martínez said that he found there an American frigate and sloop, which had sailed from Boston to make a tour of the world. He also found a packet boat and another vessel belonging to a Portuguese established at Macao, whence they had sailed with a passport from the governor of that port. He announced also that on the 2d of July there arrived another packet boat from Macao. This was English, and came to take possession of Nootka in the name of the British King. She carried a sloop in pieces on board.

This simple recital will have convinced your excellency of the necessity in which the Court of Madrid finds itself of asking His Britannic Majesty to punish such undertakings in a manner to restrain his subjects from continuing them on these lands which have been occupied and frequented by the Spaniards for so many years. I say

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<sup>a</sup> Narrative of the Negotiations between England and Spain in 1790, 12.

<sup>b</sup> *Id.*, 8.

this to your excellency as an established fact, and as a further argument against those who attribute to Captain Cook the discovery of the said port of San Lorenzo, I add that the same Martinez in charge of the last expedition was there under commission in August of 1774. This was almost four years before the appearance of Cook. This same Martinez left in the hands of the Indians two silver spoons, some shells, and some other articles which Cook found. The Indians still keep them, and these facts, with the testimony of the Indians, served M. Martinez to convince the English captain.

The English prisoners have been liberated through the consideration which the King has for His Britannic Majesty, and which he has carefully enjoined upon his viceroys to govern their actions in unforeseen events. His Majesty flatters himself that the Court of St. James will certainly not fail to give the strictest orders to prevent such attempts in the future, and, in general, everything that could trouble the good harmony happily existing between the two Crowns. Spain on her side engages to do the same with respect to her subjects.

I have the honor to be, etc.,

THE MARQUIS DEL CAMPO.

His Excellency M. the DUKE OF LEEDS.\*

One who has read the foregoing chapters will recognize many misleading statements in this letter. The first sentence falsely gives the impression, though it does not make the positive statement, that the King of Spain had ordered the occupation of Nootka. Hence there was some ground for suspecting that the Spanish Government had ordered Martinez's violent proceedings. Martinez arrived at Nootka almost two months earlier than the date given in the note. June 24 was the date of the formal act of possession. This error seems to have been due to carelessness, since no motive is apparent, and the correct date is given in the documents which Floridablanca had at hand. The note does not mention the fact, clearly stated in the same documents, that the first packet boat and the other vessel accompanying it from Macao were really English, though nominally Portuguese; and the impression is given that they were allowed to go absolutely free as were the American vessels. No mention whatever is made of the *Princess Royal* which was also sent as a prize to Mexico, though this is plainly stated in the documents. Instead of telling that four English ships were

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\* Translated from a manuscript copy in French found in the Archives des Affaires Etrangères, Paris; Espagne 1790, 5 P<sup>tes</sup> Mols, f. 96. The contents of the note are partially reflected in published memoirs written subsequently. (See Floridablanca to Fitzherbert, June 13, 1790, Annual Register, XXXII, 296.)

captured, the impression is given that there was only one. The gravest misstatement is that the English prisoners had been liberated. As pointed out above, this was probably inferred from the statement in the second letter of Florez that he thought that they ought to be liberated, but would leave his successor to do it—a very insufficient ground for such a positive assertion. As a matter of fact, they were not liberated for more than three months after Florida-blanca wrote the instructions which this note embodied.<sup>a</sup>

But the gravity of the note did not lie in its errors or prevarications. The serious part of it was the demand that the English King should punish his subjects for doing what Leeds had declared to Merry only a few days before they had a perfect right to do, namely, to trade and make settlements on the Northwest Coast. The further request that the English Government should give strict orders to prevent such enterprises in the future was virtually demanding that England should forever refrain from exercising this right. Such demands could only be acquiesced in when made upon a weak government by a strong one. English pride could not brook them.

The narrative which was prepared in the foreign office and published by the Government <sup>b</sup> says:

His Majesty's ministers conceiving the circumstance of seizing a British ship in time of peace to be an offense against the law of nations and an insult to His Majesty, lost no time in taking the only step in their power.<sup>c</sup>

A fortnight after receiving the Spanish note Leeds replied in a tone equally imperious. After reviewing the facts as given by Campo and referring to the demands of the Spanish Court, he said:

As yet no precise information has been received relative to the events mentioned in your excellency's letter, but while awaiting such I have His Majesty's orders to inform your excellency that the act of violence spoken of in your letter as having been committed by M. Martinez, in seizing a British vessel under the circumstances reported, makes it necessary henceforth to suspend all discussion of the pretensions set forth in that letter until a just and adequate satisfaction shall have been made for a proceeding so injurious to Great Britain.

<sup>a</sup> See Chapters III and VI, ante, which show the falsity of these statements.

<sup>b</sup> See footnote <sup>a</sup>, p. 365.

<sup>c</sup> Narrative of the Negotiations between England and Spain, 12.

In the first place it is indispensable that the vessel in question shall be restored. To determine the details of the ultimate satisfaction which may be found necessary more ample information must be awaited concerning all the circumstances of the affair.<sup>a</sup>

This haughty tone surprised the Spanish ambassador. In his note to Floridablanca inclosing Leeds's answer, he said:

The reply which this ministry has finally given to my letter will surprise your excellency as it has surprised me. I refrain from comments on it. At first I thought of going to the Duke of Leeds to express my astonishment, but after considering the matter carefully I have concluded that I ought to refrain, fearing lest in the heat of conversation something might be said which might exasperate. Since it is a formal reply and in writing I could not have obtained its withdrawal. Besides, anything which I may say in reply will be better if it comes from there (Madrid), which is the source.<sup>b</sup>

This quotation is a postscript to a letter which had been written after delivering the Spanish note to Leeds, but evidently before receiving the answer. In the letter he had said that Leeds listened to him calmly, but avoided any discussion of the matter. He had tarried a little time and then withdrawn to write his account and urge anew that orders be sent disavowing the seizure. He was not convinced that, as might be suspected, the English expedition had been ordered by the Court. He believed it to have been an enterprise of some remote officials.<sup>c</sup>

It should be noticed in connection with this reply to the Spanish Court that Pitt was at this very time listening to the schemes of Colonel Miranda, the famous South American agitator. It is quite possible that this had much to do with the imperious tone assumed by the British Cabinet. As previously stated, the Spanish note was received February 11. On February 14 Miranda met Pitt, on the latter's invitation. He had previously proposed his "grand plan" for the advantage of England in connection with South America, and that plan was considered at this meeting. Miranda

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<sup>a</sup> Leeds to Campo, Whitehall, February 26, 1790. (MS. Arch. Hist. Nacional, Madrid, Sec. Estado, 4291.) Oscar Browning, *Cambridge Modern History*, VIII, 290, says that the original of this reply, now in the public record office, is in Pitt's own hand.

Muriel, *Historia de Carlos IV*, I, 108-109, gives briefly the substance of the Spanish note of February 10 and the British reply of February 26.

<sup>b</sup> Campo to Floridablanca, London, February 28, 1790. (MS. Arch. Hist. Nacional, Madrid, Sec. Estado, 4291.)

<sup>c</sup> *Id.*

explained the new form of government to be introduced and discussed the existing situation. The plan was admitted to be beneficial, but was to be put into execution only in case of a war with Spain. Pitt asked him to write down the substance of what he had said, adding a statement of all the products of South America, the exports and imports, and the population, and the military and naval forces of both South America and Spain. Miranda did so with as much accuracy and detail as possible, and submitted his statement to Pitt on March 5.<sup>a</sup> In the meantime, on February 25, Leeds's reply had been delivered to Campo. It will be interesting to watch the progress of these conferences between Pitt and Miranda and note the coincidence of some of them with the critical periods of the Spanish negotiation.

While awaiting the reply from London, nothing out of the ordinary seems to have occurred at the Spanish capital. When Leeds cautioned Merry to be guarded in what he might say, he also asked the chargé for all the information he could obtain concerning recent Spanish naval movements. Merry's replies indicated a pacific attitude, externally at least, on the part of the Spanish Court. March 1 he wrote:

Count Floridablanca gave me no hint of his having any intention of arming; and, notwithstanding the reports which have continued to prevail here with regard to the naval preparations in the Spanish ports, I can not, on the most diligent inquiry, find that any are yet commenced, except for the equipping of 3 ships of the line, 6 frigates, and 3 sloops of war for the purpose of forming a fleet of exercise. [On March 15 he wrote:] The King of Spain has given orders to grant free license to Prince Edward to pass and repass from Gibraltar to Spain, and to pay him the same honors as to an Infante de Castilla.<sup>b</sup>

After the English reply reached Madrid, Merry's reports were very different. March 22 he wrote that Floridablanca was much dissatisfied with the English reply, but still seemed anxious that peace should be preserved. Merry thought that the Count's ill humor was caused by the fear lest Great Britain should use the matter as a ground for a quarrel.<sup>c</sup>

<sup>a</sup> Miranda to Pitt, London, September 8, 1791. (Am. Hist. Rev., VII, 711, 712.)

<sup>b</sup> Narrative of the Negotiations between Great Britain and Spain, 13, 14.

<sup>c</sup> Id., 15.

On the same day that Merry wrote the last-mentioned letter an important session of the supreme junta of state was being held. The question considered was as to the reply that should be made to England. The matter had been discussed in the preceding junta. At this meeting of March 22 Valdez, the minister for marine, presented in writing his version of the proper reply. Though it is not given, its import may be divined from the report which accompanied it. He told of abundant military preparations at the principal places in the Indies, of what was needed to complete their equipment, and the orders that could be given to insure their security. He also reported on the state of the Spanish navy, telling of the ships at the three naval stations Cadiz, Ferrol, and Carthagena. There were 45 ships of the line and 32 frigates ready to be armed at once; and in addition 24 of the former and 7 of the latter could be prepared in a short time. The chief of the council for the Indies, Porlier, also presented his opinion in writing. Others gave oral advice, and it was left to Floridablanca to formulate the reply to the English Court. Valdez received royal orders to collect a squadron at Cadiz to be ready for emergencies, and to take the steps necessary to put Honduras, Trinidad, and Porto Rico in a state of defense.<sup>a</sup>

On March 24 an order was sent to the Viceroy of New Spain to liberate the English ship in case this had not already been done.<sup>b</sup> As stated in the preceding chapter, the vessels had not been released at this time, but were liberated before this order reached the Viceroy.

Merry had another conference with Floridablanca on March 27. He reported to his Government that the Count had concluded from Leeds's reply that the British Court intended to use the matter as a ground for quarreling. The Spanish minister lamented the fact and hoped that the necessity for Spain's coming to an understanding with other courts might be avoided. He said that he would endeavor to soften his reply to the British Court. Merry thought that in view of the condition of Spain Floridablanca would not suffer the matter to come to extremities.<sup>c</sup>

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<sup>a</sup> Minutes of the supreme junta of state, March 22, 1790. (MS. Arch. Hist. Nacional, Madrid, Sec. Estado, 4291.)

<sup>b</sup> Report of Valdez to the supreme junta of state, dated March 28, presented March 29, 1790. (MS. Arch. Hist. Nacional, Madrid, Sec. Estado, 4291.)

<sup>c</sup> Narrative of the Negotiations between England and Spain, 17.

At the next junta, which was March 29, the minister for marine presented another report. This was dated March 28 and was embodied in the minutes of the session of the following day. In it Valdez says that in consequence of the reply which the junta of one week before had agreed should be sent to the Court of London by Floridablanca, and in compliance with the precautionary measures which the department of marine was ordered to take in the Indies and in Spain, he had proceeded promptly, with His Majesty's approval, to execute the orders which follow in the report. Vessels were to be armed at once in Ferrol, Carthagena, and Cadiz, and, the real purpose being kept as secret as possible, a sufficient number were to be collected at the last-named port to form a respectable squadron for use in case later occurrences should make it necessary. The vessels that needed it were to be cleaned and repaired as rapidly as possible. Those out of port were to be detained under arms at Cadiz when they returned. Provisions were being collected. The officials of Havana, Santo Domingo, Porto Rico, and Trinidad were ordered to strengthen their positions. At the same session Floridablanca read the reply which Campo, the ambassador at London, was to present to the English Ministry.\* The contents of this reply will be examined presently.

This glimpse into the inner workings of the Spanish Cabinet reveals a warlike activity. But externally every possible effort was made to maintain a peaceable demeanor. Floridablanca made especial efforts to keep the British chargé in the dark and quiet any alarm which the warlike rumors might arouse. According to the dispatches of the Prussian ambassador, Sandoz, to his Government at Berlin, the Count—

confided to Merry in the greatest secrecy the intelligence that French emissaries had scattered seditious pamphlets in Mexico and Havana, and thereby had stirred up the greatest possible ferment, which threatened an outbreak every moment. The King had concluded that the most efficacious measures must be taken with the greatest haste in order that these first dangerous agitations might be nipped in the

\* Minutes of the supreme junta of state, March 29, 1790. (MS. Arch. Hist. Nacional, Madrid, Sec. Estado, 4291.) In these minutes is a Spanish rendering of the instructions sent to Campo. They will be studied in the form of a letter in French which Campo presented to Leeds.



bud, and consequently he had decided to employ his whole force against it if necessary. To make this seem more probable, he indulged in a tirade against the French Revolution.<sup>a</sup>

In dispatches of April 5 and 6 Merry told of the alarm in Spain and of the naval activity, but he still thought Floridablanca desirous of avoiding war if possible. The fleet of exercise which he had mentioned before was assembling at Carthagena.<sup>b</sup> April 12 he reported that the fleet of exercise had been ordered to Cadiz. Other ships were being armed in that port and the other two naval stations.<sup>c</sup> Three days later he reported as being fitted for immediate service at Cadiz 14 ships of the line, 10 frigates, and 2 sloops. He told of three treasure ships that had recently arrived from Spanish America with some 5,000,000 Spanish dollars on board.<sup>d</sup> On April 22 he wrote of still larger armaments. Twenty ships of the line were reported ready for service.<sup>e</sup>

Such was the tenor of the dispatches from Madrid arriving at London when, on April 20, Campo presented the second formal note from the Spanish Court on the Nootka Sound controversy. This embodied the reply agreed upon in the sessions of the Spanish junta of March 22 and 29. It is as follows:<sup>f</sup>

MY LORD: Having given an account to my Court of the reply which your excellency was pleased to make on the 26th of last February to my memoir on the detention in the port of Nootka of an English packet boat named the *Prince of Wales*,<sup>g</sup> in consequence I have received an order to inform the Ministry of His Britannic Majesty as follows: In spite of the incontestable rights of Spain to exclusive sovereignty, navigation, and commerce, founded on the most solemn treaties, on the discovery of the Indies and the islands and the continent of the South Sea, on ancient laws, and on immemorial pos-

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\* Baumgarten, *Geschichte Spaniens zur Zeit der französischen Rev.*, 287. This is based on a dispatch of April 19 from Sandoz. The author says that not only Merry but even Sandoz, who knew Floridablanca's character so well, believed this. Shortly afterwards the Prussian ambassador considered everything so peaceable that he left his post for a time, turning over the business to his attaché, "a condition," says the author, "to which is due the fact that we are less exactly informed concerning the further progress of these important negotiations."

<sup>b</sup> Narrative of the Negotiations between England and Spain, 18-20.

<sup>c</sup> Id., 36-38.

<sup>d</sup> Id., 39.

<sup>e</sup> Id., 69.

<sup>f</sup> Not before published, though later memoirs give a partial account.

<sup>g</sup> An error. Colnett's license was for the *Prince of Wales*. (See Chapter II.)

session, which rights this Crown has continually exercised over the territories, coasts, and seas above mentioned, including the right always exercised of capturing transgressors—[in spite of all this] the Viceroy of Mexico, as appears from the latest information, has already liberated the above-mentioned English vessel and crew. He did this because he was convinced that nothing but ignorance of the rights of Spain could have encouraged the individuals of any nation to resort to those places with the idea of establishing themselves or of carrying on commerce there. The Viceroy also had at hand positive orders which had been given to him instructing him to have all possible regard for the British nation and to avoid even the least act that could disturb the good harmony and friendship which happily subsists between the two Courts. For these reasons, and in order to give a further proof of the King's desire to preserve and strengthen this friendship, His Majesty understands and considers this affair as closed, without entering into disputes or discussions over the indubitable rights of his Crown. His Catholic Majesty flatters himself that the British King will order all of his subjects to respect these rights, as I had the honor of setting forth and recommending to your excellency formerly.

It is with the most respectful sentiments and the most constant attachments that I have the honor, etc.,

THE MARQUIS DEL CAMPO.

His Excellency M. the DUKE OF LEEDS.\*

The tone of this letter explains the feverish preparations for war which the Spanish Court began as soon as the reply was decided upon. It ignored the demand for satisfaction, the granting of which the English reply of February 26 had made the indispensable condition of further negotiation. It assumed that Spain was right and England wrong. It distinctly avowed the seizure and made the release an act of pure generosity. As justification, it asserted the most extensive claims to exclusive dominion. It renewed the former demand that England prevent her subjects from infringing upon that dominion. To support the positive position taken, Spain was making extensive preparations for war. If granting the first Spanish demand would have been incompatible with British pride, yielding to the second would have been inconsistent with British honor. Only one answer could have been expected from the British Court.

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\* MS. Arch. Hist. Nacional, Madrid, Sec. Estado, 4291. The same with slight modifications is to be found in Narrative of the Negotiations between England and Spain, 20. But this work is so rare that it is little more accessible than the manuscripts. Muriel, Historia de Carlos IV, I, 109, mentions this letter.

Shortly after the presentation of the above Spanish memorial an event occurred which greatly influenced the British Cabinet and made them urge their demands more vigorously. This was the arrival of Meares. He came just at the opportune moment. The blood of the English ministers was already up. In the absence of any authentic account to the contrary, they accepted the exaggerated statements of Meares. The foreign office "Narrative" says:

From him a more full and probably a more authentic account of this transaction was obtained than had already been in possession of Government.<sup>a</sup>

His Majesty's ministers, who till now had proceeded with that caution which the uncertain nature of the intelligence they had received rendered essentially necessary, no longer having room to doubt of the insult offered to the British flag, and the injury sustained by British subjects from the unwarrantable and unprovoked hostility of the Spanish commander, lost no time in taking those measures which were best calculated to vindicate the honor of His Majesty and the British nation.<sup>b</sup>

This event with the arrival of the reports from Merry, mentioned above, caused the British Government to turn its most serious attention to the Nootka business.

At a cabinet meeting held in the night of April 30 the following recommendations to the King were agreed upon, and submitted by Grenville to George III the next day:

Upon consideration of the information which has been received from Mr. Meares of the detention and capture of several British vessels at Nootka Sound, on the coast of America, and of the circumstances of that transaction, as also of the papers which here have been delivered by Monsieur del Campo relative thereto, Your Majesty's servants have agreed humbly to submit to Your Majesty their opinion that Your Majesty's minister at the Court of Madrid should be instructed to present a memorial demanding an immediate and adequate satisfaction for the outrages committed by Monsieur de Martinez; and that it would be proper, in order to support that demand and to be prepared for such events as may arise, that Your Majesty should give orders for fitting out a squadron of ships of the line.<sup>c</sup>

In a note of May 1 the King asked whether a press would be necessary for equipping the proposed squadron. The

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<sup>a</sup> Narrative of the Negotiations between England and Spain, 24.

<sup>b</sup> Id., 35.

<sup>c</sup> Grenville to George III, May 1, 1790, inclosing cabinet minute of April 30, 1790. (Fortescue MSS. I, 579; Hist. MSS. Com. Report, 13, App. 3.) This gives the names of the seven cabinet members who were present.

next day Grenville replied that the Cabinet thought a press necessary and that it should take place Tuesday night, May 4, between 12 and 3 o'clock, as that time would create least observation. The same day that Grenville's note was written the King answered it requesting a privy council for the next day, May 3, to consider the arrangements for the press. The council was to be composed of the cabinet ministers, as the more secret the business could be kept the more possibility there would be of collecting some seamen in the first attempt.<sup>a</sup>

After these days of martial activity in the British Cabinet Leeds replied to Campo's letter of April 20. He informed the Marquis, May 5, that the unsatisfactory answer which the latter had been instructed to make to the English demand for satisfaction made it necessary for His Majesty to direct his minister at Madrid to renew the representations. Owing to this change in the seat of negotiations, Leeds said it was impossible for him to enter into the particulars of Campo's letter. He concluded:

I can therefore at present only observe in general to your excellency that although on cases properly stated it will be His Majesty's desire—which he has manifested in repeated instances—to take any measures necessary for preventing his subjects' interfering with the just and acknowledged rights of Spain, he can never in any shape accede to those claims of exclusive sovereignty, commerce, and navigation to which your excellency's representations appear principally to refer; and particularly that His Majesty will consider it his indispensable duty to protect his subjects in the enjoyment of the right of carrying on their fisheries in the Pacific Ocean.<sup>b</sup>

Each nation stood firmly on the ground originally taken. Each had made its first demand apparently expecting immediate compliance. When such was stubbornly refused each suspected that the other had some ulterior end in view and was using the matter in hand only as a pretext. The misunderstanding arose over the fact that neither the Briton nor the Spaniard could understand the mental attitude of the other regarding the matter in dispute. The Spanish mind had for centuries been accustomed to think of the

<sup>a</sup> George III to Grenville, May 1; Grenville to George III, May 2, and George III to Grenville, May 2. (Fortescue MSS., I, 579, 580.)

<sup>b</sup> Leeds to Campo, Whitehall, May 5, 1790. (MS. Arch. Hist. Nacional, Madrid, Sec. Estado, 4291.) In English and apparently the original. Muriel, *Historia de Carlos IV*, I, 110, reviews this reply briefly.

American continent as the exclusive possession of Spain. The accident that had given a portion to Portugal, when the Pope drew his arbitrary line between the dominions of the two maritime nations, was accepted without question by the abnormally religious mind of the Spaniard. That Spain had yielded the bleak northern shore of the Atlantic was of little consequence, since she retained the sunny southern portion, where, alone, the Spaniard could feel at home. With the exception of Portugal's comparatively insignificant holding, Spain still possessed practically the whole of both Americas south of the northern line of Florida and west of the Mississippi River. That Russia had recently settled on the icebound coast of the far-away northwest was hardly known and less to be regretted. Being accustomed to think of America thus, the Spaniard could not conceive that anyone else would dare to infringe on his right. Little was known in Spain of the colonial development of England and the new principles on which it was based, namely, that unoccupied land anywhere on the globe was the legitimate possession of any nation that would occupy and develop it, and that no other nation could resist such occupation by the mere assertion of an ancient shadowy claim that had never been made good by actual settlement. The Briton was too accustomed to this view to believe that anyone would still advance in good faith the antiquated notion that any real right could be conferred by the gift of a Pope, who, he believed, had no more authority to make such gifts than any other individual, or that a claim not made good by occupying and developing would be seriously urged. It was impossible to reach a harmonious agreement. One party would have to yield.

From this time onward negotiations were conducted at Madrid instead of at London as hitherto. The British minister to the Court of Spain, Alleyne Fitzherbert, had not yet gone to take charge of his post. Affairs were in the hands of the *chargé*, Merry. Fitzherbert was now dispatched to Madrid.\* No communication of importance passed between the two Courts until his arrival. In the meantime each Government was putting forth its utmost efforts to raise its naval force to the highest possible efficiency. During the same

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\* Narrative of the Negotiations between England and Spain, 44.

time the diplomacy of each country was directed toward strengthening its European position by calling on its allies for assurances of support. The outcome of these efforts influenced, considerably, the course of the main negotiation. Besides this influence much of the interest and importance of the controversy lies in the effect of these by-negotiations on France, the country chiefly involved in them. They will be studied in the next chapter.

## CHAPTER VIII.

### EUROPE PREPARES FOR WAR.

Until the first week in May the negotiations regarding the Nootka Sound dispute were conducted with the greatest secrecy in both countries. The public, especially in England, did not so much as know that there was any serious question pending between the two Crowns. There were general rejoicings over the prospect of a long period of untroubled peace. The consternation that ensued may be imagined when, on the morning of May 5, England awoke to the fact that in the darkness of the preceding night sailors had been seized in every port and were being pressed into the navy for immediate service. The excitement in London is reflected by the following extracts from a diary. The writer was an ex-governor of Canada, and was living in retirement at London. According to his entry for May 5, a note just received informed him that "during last night all the sailors on the Thames had been pressed, and that war was on the point of being declared against Spain, which had seized five of our ships near Cooks River; and the funds had fallen 3 per cent." This indicates that the financial pulse was decidedly unsteady. The depression seems to have continued for at least ten days. At the end of that time the same writer entered in his diary: "Opinions are still divided as to whether there will be a war or not. The funds begin to rise." On this day he had invested \$3,000 in bonds.\*

On the day following the press a message from the King was read in both Houses of Parliament. This explained why the Government had taken such an extraordinary step. The King declared that two vessels whose nationality had

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\* Haldimand's Diary, May 5 and May 14, 1790. (Canadian Archives, 1889, p. 281 ff.) A letter from London of May 7 in *Gazette de Leide*, May 14, 1790, says: "Les fonds, depuis le message du Roi, ont continué de baisser."

not been fully ascertained and two others known to be British had been captured at Nootka Sound by an officer commanding two Spanish ships of war. He told how the cargoes had been seized and the officers sent as prisoners to a Spanish port. He related briefly the correspondence with the Spanish Court, then told how that Court had refused the satisfaction demanded and had asserted a claim "to the exclusive rights of sovereignty, navigation, and commerce in the territories, coasts, and seas in that part of the world." His minister at Madrid was to renew the demand for satisfaction. Having learned of considerable armaments in Spain, he had judged it necessary to arm in turn "in support of the honor of his Crown and the interests of his people." He appealed to the Commons for the necessary support. He hoped that the affair might be terminated peaceably, and in such a manner as to remove grounds for misunderstandings in the future.<sup>a</sup>

The next day, May 6, the matter was discussed in Parliament. Pitt opened the debate in the lower House by moving an address of thanks for the King's message. He recited the facts briefly, asserted England's right to fisheries and commerce in the districts in question, and showed that Spain's extravagant claims would entirely exclude England from that ocean, if they were allowed. The settlement of this dispute would establish a precedent for all the future. The insult to the British flag lay in two facts—first, the seizure had been made in time of profound peace; secondly, goods had been confiscated without condemnation.<sup>b</sup> Government hoped yet to settle the dispute peaceably, but it was necessary to increase the armaments in order to treat with Spain on an equal footing. The opposition led by Fox agreed that the address should be voted and the armaments approved; but they criticised the ministry for having so recently held out hopes for continued peace when a matter

<sup>a</sup> Parl. Hist., XXVIII, 765; also Annual Register, XXXII, 285. The latter work incorrectly gives the date May 25. This error is repeated in many of the books that treat of the subject, since this work has been the chief source.

<sup>b</sup> This statement was true as far as the English knew or could know, but there was at least an attempt to justify the procedure. Martinez took goods from the captured ships and applied them to his own use, but made provision for their restoration in Mexico. (See Chapter V.) A schooner had been appropriated to the Spanish service with less show of justice.



of such importance was pending. This reference was to statements made by Pitt in his budget speech of April 19. The minister answered that the facts were not all known at that time; and besides, he had made no promise of the continuance of peace, but had said that the existing prosperity was due to the happy interval of peace and that if peace should continue prosperity would increase.

From the facts presented in the preceding chapter it is known that the criticism was unjust. Until April 21 the ministry had had no communication from Spain except the note of February 10. Only one ship was known to have been captured, and that only through the information furnished by the Spanish Court in that note. Merry had reported rumors of Spanish naval preparations, but had at the same time given quieting assurances. Shortly after the budget speech came the Spanish memorial of April 20, distinctly avowing the seizures and asserting the Spanish pretensions; then came exact information from Merry of extensive Spanish armaments; and last and most important came Meares with his exaggerated stories of Spanish cruelty and injustice, revealing the true number of seizures and overrating the losses. It was urged more properly that the English Government was unjust in demanding the restoration of the ships and satisfaction for the insult before discussing the respective rights. This, it was said, was begging the question.

Notwithstanding these criticisms the address was carried unanimously. The measures taken by the Government were confirmed, the armament was approved, and the support of the Commons was assured. After a similar debate in the Lords on the same day the ministry was supported with the same enthusiasm.<sup>a</sup> The entry in the diary of Gouverneur Morris, who was then in London as the semiofficial agent of the United States Government, tells of the animated debate in the Commons, of the enthusiastic support accorded to the ministry, and of the avowed determination to obtain from the Spanish Court an acknowledgment that Spain is entitled to no part of America except such as she occupies.<sup>b</sup> The assurance of the Commons was followed up on June 10 by a

<sup>a</sup> Parl. Hist. XXVIII, 766-782. The address of the Lords with the incorrect date, May 26, is given in the Annual Register, XXXII, 286.

<sup>b</sup> Morris, *Diary and Letters*, I, 325.

vote of credit for £1,000,000 "to enable His Majesty to act as the exigency of affairs might require."<sup>a</sup> Orders were at once given for the equipment of a fleet to consist of 14 ships of the line, besides smaller vessels. This was soon increased. The press was prosecuted vigorously and with success in all ports.<sup>b</sup> Vancouver's work speaks of "the uncommon celerity and the unparalleled dispatch which attended the equipment of one of the noblest fleets that Great Britain ever saw."<sup>c</sup> Public excitement was wrought to the highest pitch. Pamphlets were issued in the form of addresses to the King, setting forth the extravagance of the Spanish claim to exercise control over the whole Pacific Ocean, and enlarging on the magnitude and promise of the frustrated English enterprise. All the forces of national pride, prejudice, and patriotism were united to arouse hatred for the Spaniard. Indignant orators dwelt on memories of Papal anathemas, the Holy Inquisition, and the Invincible Armada.<sup>d</sup>

At this juncture it is interesting to note again the relations between Pitt and the South American agitator, Miranda. Attention was called above to conferences between them shortly after the Spanish note of February 10 was delivered to the British Court. Nothing seems to have passed between them after that time until the second Spanish note arrived. At 9 o'clock on the evening of May 6, the day of the debate in Parliament just studied, Miranda again met Pitt on the latter's invitation. Grenville was present also. They had a long conference "upon the subject of a war with Spain, in consequence of the occurrences at Nootka Sound, the disposition of the people in South America toward joining the English for their independency against the Spaniards," etc. Pitt thanked Miranda for the papers which he had sent, and showed them to him. The minister was taking them to a meeting of the Cabinet. New assurances were given of the execution of Miranda's plans in case of war. Various interviews took place between them

<sup>a</sup> Parl. Hist., XXVIII, 784.

<sup>b</sup> Letter from London, May 7, in *Gazette de Leide*, May 14, 1790.

<sup>c</sup> Vancouver, *Voyages*, I, 48.

<sup>d</sup> See Dalrymple, *The Spanish Pretensions fairly discussed*, London, 1790; also [Etches], *An Authentic Account of all the Facts Relative to Nootka Sound, etc.*, London, 1790. Meares's Memorial was also made public.

during the time that the great armament and the Spanish negotiations were in progress.<sup>a</sup> The fact that Pitt was taking Miranda's papers to a cabinet meeting just at this time is unmistakable evidence that his plans were being seriously considered.

There were attempts on the part of the opposition to censure the ministry for their conduct of the Spanish business. On May 10, in debating the motion for the vote of credit, Fox called for the date of the first communication from Spain on the affair. This was not revealed.<sup>b</sup> On the next day there was an attempt to learn whether the proposed settlement at Nootka was "undertaken under the sanction and authority of Government, or merely as an enterprise of private persons." The motion was defeated, but Pitt declared that licenses to trade at Nootka Sound had been granted; and whether this particular undertaking was or was not a public enterprise it was incumbent on the honor of the country to demand satisfaction. He said that the "Memorial" of Captain Meares would put the House in possession of all that Government knew on the subject.<sup>c</sup> On May 12 there was a spirited debate on a motion calling for the papers relative to the dispute, but the demand was successfully resisted.<sup>d</sup> On the following day a motion by the opposition, calling for information regarding the appointment of ambassadors to Spain since the peace of 1783, was not resisted by the ministry.<sup>e</sup> A week later the information obtained was discussed. During the seven years there had been a resident ambassador at Madrid only thirteen months, though there had been four appointments and upward of £35,000 had been appropriated for their support. It was explained that these conditions were mostly due to Spanish delays and etiquette; that although an ambassador

<sup>a</sup> Miranda to Pitt, September 18, 1791. (Am. Hist. Rev., VII, 712.) Haldimand's diary during May and June, 1790, confirms Miranda's statements of his intimacy with the governmental authorities. The writer makes frequent mention of being with the King, with Grenville, and of being consulted on Canadian affairs, showing that he was intimate in Court circles. During the same months he speaks frequently of Miranda's being with him, dining with him, driving with him, etc. (See Can. Arch., 1889, p. 281 ff.)

<sup>b</sup> Parl. Hist., XXVIII, 784.

<sup>c</sup> Official Papers relative to the Dispute between the Courts of Great Britain and Spain, 42.

<sup>d</sup> Parl. Hist., XXVIII, 805.

<sup>e</sup> Id., 807.

had not been present yet a chargé had been there all the time, and British interests had not suffered. The motion was for an address asking the King to provide for the performance in the future of the duties of ambassadors to foreign courts. It was defeated.<sup>a</sup> There was no further Parliamentary activity of importance on the matter before the session closed on June 10.<sup>b</sup>

While England was making these vigorous preparations at home she was calling for support in every place from which she had a right to expect aid. At the same time she was taking steps to put every portion of her wide dominions in a state of defense. Ireland was called upon to restrain shipments of provisions to Spain, and also to recruit forces for the West Indies. The lord lieutenant agreed, with some qualifications, to carry out both measures.<sup>c</sup> The commander at Gibraltar was warned of his danger. The governor of that port, who was visiting in England, was ordered to return to his post. A regiment of foot was to embark immediately to reinforce the garrison.<sup>d</sup> Notices were sent to the governors of Barbados, St. Vincent, the Leeward and Bahama Islands, Dominica, Cape Breton, and Nova Scotia. They were ordered to expedite works of defense, to report on their forces, and to keep a watch on Spanish and French movements. Four regiments of foot and two ships of war were ordered to the West Indies.<sup>e</sup> Three ships of war, with reinforcements and provisions, were sent to India, with instructions to prepare an expedition to seize Manila or the west coast of America should orders come to that effect.<sup>f</sup> The governor of Canada, about to return to England, was ordered to remain and prepare the forces of Canada for any exigency that might arise. He was to cultivate the friendship of the United States and to adopt every means in his power for influencing the Americans in favor of Great

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<sup>a</sup> Parl. Hist., 815-822.

<sup>b</sup> Id., 875.

<sup>c</sup> Grenville to Westmoreland, May 3, May 7, and May 9; and Westmoreland to Grenville, May 10 and May 14. (Fortescue MSS., I, 580-584.)

<sup>d</sup> Narrative of the Negotiations between England and Spain, 56. These orders were given May 6.

<sup>e</sup> Narrative of the Negotiations between England and Spain, 59-62. These orders were given May 6 and May 22.

<sup>f</sup> Id., 62-65. Orders dated May 12.

Britain and preventing their union with Spain.<sup>a</sup> These interesting Canadian overtures will be fully discussed later. It was suggested to the King that he use his Hanoverian troops to augment the garrison at Gibraltar. He favored the measure, and took steps for carrying it out.<sup>b</sup>

Besides this aid from her dependencies, England also claimed the support of her allies under the triple alliance of 1788. Since the war promised to be almost wholly naval, the friendship of the Netherlands with her fleet would be of great value. On May 4, the day before the English preparations were made public, Leeds wrote to Lord Auckland, the British ambassador at The Hague, asking him to communicate the matter to the Dutch Government. His Britannic Majesty relied on the justice of his cause, and had no doubt that the Dutch Republic would approve, and, if it should become necessary, furnish him support under the treaty.<sup>c</sup> In a private letter of the same date Leeds asked that before demanding aid under the treaty Auckland ascertain whether the Dutch Government would fit out a number of vessels and furnish them to England at English expense.<sup>d</sup> In less than ten days an answer had arrived, saying that Holland was ready to support England and that any or all of the Dutch ships of the line might be put at the disposal of Great Britain at British expense.<sup>e</sup> On May 15 Auckland sent a statement of the terms on which these vessels would be furnished.<sup>f</sup> Three days later Leeds replied that the terms were so favorable that Auckland was authorized to accept them at once and promote with the utmost expedition the equipment of 10 sail of the line.<sup>g</sup> Still further assurances of Dutch friendship and generosity were given. On May 31 the States General passed resolutions refusing to accept the English subsidies, and taking upon themselves the entire expense.<sup>h</sup> Everything being in readi-

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<sup>a</sup> Id., 57. Orders dated May 6. See also *Can. Arch.*, 1890, pp. 130-133.

<sup>b</sup> Grenville to George III, May 25, and George III to Grenville, May 26. (*Fortescue MSS.*, I, 586, 587.)

<sup>c</sup> Leeds to Auckland, May 4, 1790. (*Brit. Mus.*, MSS. 34431, f° 67.)

<sup>d</sup> Leeds to Auckland, May 4, 1790 (private). (*Brit. Mus.*, MSS. 34431, f° 81.)

<sup>e</sup> Narrative of the Negotiations between England and Spain, 70.

<sup>f</sup> Auckland to Grenville, Hague, May 15, 1790. (*Fortescue MSS.*, I, 585. See also work last cited, 95-97.)

<sup>g</sup> Leeds to Auckland, May 18, 1790. (*Brit. Mus.*, MSS. 34431, f° 195. See also Narrative cited above, 97.)

<sup>h</sup> Narrative of the Negotiations between England and Spain, 100 ff.

ness and the English Government having requested the movement, the Dutch fleet, under Admiral Kinsbergen, left the Texel on June 17 and joined the English fleet at Portsmouth three weeks later.<sup>a</sup>

The third member of the triple alliance, Prussia, was at the same time called upon for support. On May 20 Hertzberg, the Prussian minister, handed an answer to Ewart, the British ambassador at Berlin. The Prussian King approved the measures of England and pledged himself to fulfill his engagements in case the contest with Spain should render it necessary. Hertzberg suggested that it was impossible to suppose that Spain would think of embarking on a war with such disadvantage without having a motive other than that alleged. He said that there were positive indications that an alliance was being negotiated between Spain, Russia, and Austria to which Denmark was to be asked to accede. These indications made it necessary for the three allies to be in perfect accord. He referred to Prussia's very grave discussions with the Courts of Vienna and St. Petersburg and claimed English support in case it should be needed in that business.<sup>b</sup> Thus the Nootka Sound dispute was drawn into the general current of European politics and was destined to have an indirect influence on the Polish and Turkish questions. More will be said later regarding these matters.

While England was meeting with such decided success in her demands on her allies, Spain was also looking for support outside her own borders. Her chief reliance was on France. For nearly thirty years the two countries had been intimately united under the family compact. This was concluded in 1761, during the Seven Years' war, when France was fighting a losing battle. The farsighted Charles III, who had then recently ascended the Spanish Throne, saw in a close union between the Bourbon Monarchies a prospect for ultimate gain to his Kingdom in spite of the fact that he could hope for little at the time. He hastened nobly to the rescue and generously shared the defeats and losses of France. When Louis XVI entered the contest in behalf of the American colonies in their struggle against the mother

<sup>a</sup> De Jonge, *Geschiedenis van het Nederlandsche Zeewezen*, V, 119-120.

<sup>b</sup> Hertzberg to Ewart, Berlin, May 20, 1790. (Brit. Mus., MSS. 34431, f° 205.) Stanhope's *Life of Pitt*, II, 551, mentions the Prussian and Dutch assurances of friendship.

country, Charles III, true to the family compact, followed his ally into the war which ended in the glorious peace of 1783. When in 1790 Spain was threatened by war with England, she naturally turned to France, whom she had twice assisted against this same foe. But the advances were made with serious misgivings on account of the turbulence in France, which was threatening to overturn the monarchy.

For a year the utmost confusion had prevailed in Paris and throughout the country. The oppressions of the feudal régime, wasteful methods of taxation, and financial mismanagement had combined to reduce the Government to a state of bankruptcy. Finally, Louis XVI had yielded to the universal clamor and called the States-General. In May, 1789, after a recess of a hundred and seventy-five years, they had assembled at Versailles. After a deadlock of nearly two months the privileged orders had been compelled to yield to the demand of the third estate and meet in a common body—the National Assembly. In the middle of July, the Parisian mob had razed the Bastille, which they looked upon as the symbol of arbitrary government. A little more than a fortnight later the nobles in the National Assembly had bowed before the coming storm and voluntarily laid down their feudal privileges. Rightly interpreting these events as an acknowledgment of impotence on the part of the old régime, the proletariat in the cities and the peasants in the country had arisen everywhere, murdered the governmental officials, and burned and pillaged the castles of the nobles. As a result of the frightful events of the early days of October, the mob had carried the royal family in triumph to Paris, and the National Assembly had followed shortly after. Both were thenceforward virtually the prisoners of the Parisian populace. The power of the Monarchy had ended. Under the spell of Jacobin orators the Assembly was wasting its time in the fruitless discussion of constitutional principles, and leaving the country to ruin and anarchy. This was the condition of France in the summer of 1790.

As early as January 20, the day on which Floridablanca wrote his instructions to Campo in London—which instructions the latter embodied in his drastic note of February 10 to the British Court—the Spanish minister had also written to Montmorin, the French minister for foreign affairs. In

this letter he made no mention of the Nootka Sound episode nor of the haughty demands which he was making on England the same day. But he expressed pity for France and her King, and complained that in the existing circumstances that country was not in a condition to unite with Spain as she should. He feared that their enemies would take advantage of the embarrassing position.<sup>a</sup> Though he said nothing about it, Floridablanca was evidently thinking of the possible consequences of his harsh demand. After the warlike sessions of the junta of state, mentioned in the previous chapter, and after the second note to the British Court had been sent, Floridablanca made indirect overtures to France for assurances of support. This was in a letter of April 6 to Fernan Nuñez, the Spanish ambassador in Paris. He suggested that in the absence of French support it would be necessary for Spain to look to other powers. Russia he thought most likely to furnish aid.<sup>b</sup> No formal demand was made in this communication, but it seems that the Spanish ambassador made some advances to the French Court. On May 11 Fernan Nuñez wrote of a conference which he had had with Montmorin. The latter had promised to propose an armament. Luzerne, the French minister for marine, had told of the number of vessels available. Montmorin had suggested that in case of war the allies should disembark 50,000 men in England and should revolutionize Holland. The French minister had asked for information concerning the origin and progress of the dispute with England.<sup>c</sup>

In the conversation just referred to Montmorin had told the Spanish ambassador that the Constitutional party in France suspected Vauguyon, the French ambassador at Madrid. They thought that he had induced the Spanish Government to stir up the quarrel with England in order to involve France as the ally of Spain. They suspected that this was being done in the hope of strengthening the French

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<sup>a</sup> Floridablanca to Montmorin, January 20, 1790. (MS. Arch. Hist. Nacional, Madrid, Sec. Estado, 4291.) The same is published in Calvo, *Recueil Complet des Traités de l'Amérique Latine*, III, 341. This author quotes it from Cantillo, *Collection de Tratados de España*. See p. 366 ante note c.

<sup>b</sup> Floridablanca to Fernan Nuñez, April 6, 1790; Calvo, *Recueil Complet des Traités de l'Amérique Latine*, III, 342.

<sup>c</sup> Fernan Nuñez to Floridablanca, Paris, May 11, 1790. (MS. Arch. Hist. Nacional, Madrid, Sec. Estado, 4038.)



royal power, and so bringing about a counter revolution. This suspicion grew so strong that Montmorin, as a concession to the radical element, recalled Vauguyon. The Spanish King refused to grant him a letter of dismissal or to recognize anyone as his successor.<sup>a</sup>

As Montmorin had promised the Spanish ambassador in the above-mentioned conversation, the French Government immediately took steps toward an armament. On May 14 a letter from Montmorin to the president of the National Assembly informed that body that the King had given orders for the armament of 14 ships of the line. Assurance was given that it was only a precautionary measure in view of the English armament. The King would do all that he could to promote a friendly adjustment between the Courts of London and Madrid. He hoped that France would not be involved in war. The English Court had made friendly declarations and had stated that the only cause for armament was the dispute with Spain.<sup>b</sup> It was not wise, however, to remain disarmed under such circumstances. France ought to show to Europe that her constitution was not an obstacle to the development of her forces.<sup>c</sup>

Montmorin's message precipitated the famous discussion as to whether the right to make peace and war should rest with the King or the people. This discussion is probably better known than the Nootka Sound dispute which occasioned it. The consideration of the message was made the order of the day for May 15, the day following its presentation. Biron, the first speaker, declared that the prosperity of France was closely bound up with that of Spain. Spain had been a generous ally of France in the past. The repre-

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<sup>a</sup> This episode of the recall of Vauguyon is treated at length by Grandmaison, *L'Ambassade Française en Espagne pendant la Révolution*, 21 ff. This author thinks that the suspicion originated with British emissaries in Paris, who wished to produce an estrangement between the Courts of France and Spain. This was, at least, its result. He quotes several letters that passed between Louis XVI and Charles IV regarding the matter. The Spanish King's attitude unfortunately made it seem that there was some ground for the suspicion of Vauguyon. The French Court was considerably embarrassed thereby. There seems to be no doubt of the fact that Vauguyon was innocent, at least in so far as any complicity with the French Court was concerned.

<sup>b</sup> On May 7 the British Court had given orders to Lord Robert FitzGerald, chargé at Paris, to make this explanation to Montmorin. (See Narrative of the Negotiations between England and Spain, 68.)

<sup>c</sup> Arch. Parl., first series, XV, 510, session for May 14, 1790.

sentatives of the people ought to respect the obligations of the nation. "Let it not be said," he declared, "that the efforts of a free people are less than those of a despotism." After a brief enthusiastic speech he moved a decree approving the measures taken by the King. Alexander Lameth declared, amid great applause, that the first question to be considered was whether the sovereign nation ought to concede to the King the right to make peace and war. There was an attempt to postpone this question, but Barnave declared that when it should be demonstrated that effects ought to precede their causes then it would be proved that the question proposed by Lameth should be considered last. Robespierre said that the time to judge of a right was when they were deliberating on the exercise of it. Baron Menou said that the right of making peace and war should be determined first, then they ought to learn which nation was in the wrong. If Spain, she ought to be persuaded to yield; if England, then France should arm not merely 14 vessels, but all of the forces on land and sea, and compel submission.

Mirabeau declared that it was unreasonable and irrelevant thus to elude the question. The message, he continued, had nothing in common with a declaration of war. Jurisdiction in times of danger ought always to be in the King's hands. The vessels were to be armed only because England was arming. The armament was not dangerous, and to deny it would cause commercial discontent. The only question, he said, was whether the funds asked were necessary. He declared that they were, and called for the immediate consideration of the message. He proposed to approve the measures of the King and to order by the same decree that to-morrow they take up the discussion of the constitutional question, Shall the nation delegate to the King the exercise of the right of peace and war? His proposition was adopted almost unanimously.<sup>a</sup>

Thus after some hesitation over the theoretical consequences the armament was approved as enthusiastically as Spain could expect or desire. The debate in the Assembly has no further importance for the Nootka question. It

<sup>a</sup> Arch. Parl., first series, XV, 515-519 (May 14, 1790); Willert, P. F., Mirabeau, 164-170; Lomenie, Les Mirabeaus, V, 144-149; Stern, Das Leben Mirabeaus, II, 151-164.

would be of little interest and less value to follow the metaphysical discussions of the constitutional question. The final decision is of some interest. The debate occupied nearly the whole of each morning session for six days. In the end Mirabeau prevailed again. He had taken a middle ground. It was decreed that the right of peace and war belonged to the nation; that war could be declared only by a decree of the legislative body, but that this step could be taken only on a formal proposal by the King, and must be sanctioned by the King subsequently.<sup>a</sup>

A few days after the Assembly had approved the armament Montmorin wrote to Floridablanca. He hoped that the armament would recall England to a proper tone and that the difficulty might be settled amicably. Referring to Floridablanca's letter of January 20, in which the latter had complained of the inability of France to support Spain as she should, the French minister said that its statements were as forceful as they were true. The Spanish Government could count on the most sincere desire on the part of the French King to fulfill his engagements with Spain, but the will of the Assembly could not be depended on. If war should be decided upon, the difficulties would be incalculable. Peace, then, he concluded, ought to be the end of all their efforts.<sup>b</sup>

Subsequently, Luzerne, the minister for marine, made two reports on the extent of the armament and the increased cost. On June 13 the Assembly appropriated 3,000,000 livres to support it.<sup>c</sup> Up to the present point the attitude of France appeared to be all that Spain could wish, as far as could be judged from external appearances. But this armament was distinctly French. There was no assurance that the fleet or any part of it would be turned over to Spain if she should call for it under the treaty. But this seems not yet to have been asked.

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<sup>a</sup> Arch. Parl., first series, XV, 526-661 (May 16-22, 1790). Cambridge Modern History, VIII, 188, discusses briefly the debate.

<sup>b</sup> Montmorin to Floridablanca, Paris, May 21, 1790. (MS. Arch. Hist. Nacional, Madrid, Sec. Estado, 4038.)

<sup>c</sup> Arch. Parl., first series, XV, 705 (May 28); Id., XVI, 185 (June 12); Id., XVI, 206 (June 13).

On June 4 Spain attempted to set herself right in the eyes of all Europe by issuing a circular letter and sending it to all the Courts. This recounted briefly the origin of the dispute and the course of the negotiations, and attempted to show the unreasonableness of the English demands and their inconsistency with her treaty obligations. It set forth the Spanish claim in the most favorable light possible, basing it on treaties and the consent of nations.<sup>a</sup>

The formal demand from Spain for French assistance was made June 16. On that date the Spanish ambassador at Paris handed to Montmorin extracts from all the correspondence between Spain and England up to date. He inclosed with them an extended argument in support of the Spanish case. After elaborating the arguments he demanded French assistance under the family compact, and added that if it were not offered Spain would have to seek alliances elsewhere in Europe.<sup>b</sup> Ten days later Montmorin replied that the matter had been laid before the King, but in view of the decree of the Assembly relative to peace and war the Spanish demand would have to be submitted to that body. As soon as it had been acted upon a positive response would be given.<sup>c</sup> This reply had been delayed so long that the Spanish ambassador had become impatient. On the preceding day he had written again to the French minister demanding an early reply. Fitzherbert, the British ambassador, had already arrived at Madrid, he said, and it was necessary for the negotiation that Spain be assured of French support.<sup>d</sup> To this Montmorin answered that the King had not for a moment lost sight of the importance of the matter. Louis XVI had written to Charles IV regarding it.<sup>e</sup>

Notwithstanding the urgency of the Spanish ambassador and the willingness of the French King and his foreign minister, the Spanish demand was not laid before the

<sup>a</sup> Annual Register, XXXII, 294. It is published under a wrong title and date.

<sup>b</sup> Id., 301. Same in Arch. Parl., first series, XVI, 503.

<sup>c</sup> Montmorin to Fernan Nuñez, Paris, June 26, 1790. (MS. Arch. Hist. Nacional, Sec. Estado, 4038.)

<sup>d</sup> Fernan Nuñez to Montmorin, Paris, June 25, 1790. (Ibid.)

<sup>e</sup> Montmorin to Fernan Nuñez, Paris, June 30, 1790. (Ibid.)

Assembly for more than six weeks after it was presented. During all this time Spain was kept in uncertainty as to whether she would receive from France the aid which she had a right to expect. Before the expiration of this time the diplomacy of Floridablanca and Fitzherbert had taken an important turn, though the dispute was still far from settled. The next chapter will follow the course of the main negotiation through this preliminary settlement.

## CHAPTER IX.

### ENGLAND'S FIRST DEMAND GRANTED.

While England and Spain were preparing for war at home and calling on their allies for support, their diplomatic representatives were endeavoring to reach an understanding. As stated above, the British Court had concluded to make no further effort to get satisfaction through the Spanish ambassador at London, but had sent its own ambassador, Fitzherbert, to treat directly with the Spanish Court. This step was decided upon during the exciting days immediately following the 1st of May. It was nearly the middle of June before Fitzherbert reached Madrid. In the meantime the British chargé, Merry, had been instructed to open the renewed negotiation by presenting to the Spanish Court a memorial setting forth at length the English contention. Leeds sent instructions for this on May 4.<sup>a</sup>

Having received this communication from Leeds, Merry obtained an interview with Floridablanca May 16. The Spanish minister was milder than usual, but still suspected that England meant to use the matter as a ground for quarreling. In an endeavor to remove this suspicion, Merry read to the Count his own secret and confidential instructions. Floridablanca observed that if England was really not attempting to force a quarrel the business might be amicably settled. In the evening, after the interview, Merry sent to the Spanish minister a copy of the memorial.<sup>b</sup> In a brief note accompanying it, he expressed great anxiety to quiet the alarm, and suggested dispatching to London at once a courier with pacific assurances from Floridablanca, if the Count felt like giving such.<sup>c</sup>

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<sup>a</sup> Leeds to Merry, May 4, 1790. (Brit. Mus., MSS. 34431, f° 75.)

<sup>b</sup> Narrative of the Negotiations between England and Spain, 106.

<sup>c</sup> Merry to Floridablanca, May 16, 1790. (MS. Arch. Hist. Nacional, Madrid, Sec. Estado, 4291.)

The British memorial declared that the last Spanish communication<sup>a</sup> was unsatisfactory even as the transaction had been stated in the former Spanish note.<sup>b</sup> No satisfaction had been offered for the insult to the British flag, and the ground stated for releasing the vessels was not justice, from the English standpoint, but ignorance on the part of the English commanders and general regard for England on the part of the Spanish officials. Neither could Great Britain admit the Spanish claim to exclusive rights of sovereignty, commerce, and navigation. Besides these reasons, additional information had arrived<sup>c</sup> telling of more than one captured vessel. It also appeared that the soil at Nootka had been purchased by a British subject and the British flag hoisted thereon. Merry was—

to represent in the strongest manner to the Court of Spain that His Majesty has every reason to expect from the justice and wisdom of His Catholic Majesty not only the full and entire restitution of all the said vessels, with their property and crews (or of as many of them as shall, on fair examination of what can be alleged on both sides, be found to have been British vessels, entitled as such to His Majesty's protection), but also an indemnification to the individuals concerned in the said vessels for the losses which they have sustained by their unjust detention and capture, and, above all, an adequate reparation to His Majesty for an injury done by an officer commanding His Catholic Majesty's vessels of war to British subjects trading under the protection of the British flag in those parts of the world where the subjects of His Majesty have an unquestionable right to a free and undisturbed enjoyment of the benefits of commerce, navigation, and fishery, and also to the possession of such establishments as they may form, with the consent of the natives, in places unoccupied by other European nations.

Assurances were given of pacific wishes on the part of England, but a speedy and explicit answer was demanded.<sup>d</sup>

<sup>a</sup> That of Campo to Leeds of April 20. (See Chapter VII.)

<sup>b</sup> Campo to Leeds, February 10. (Chapter VII.)

<sup>c</sup> Evidently that of Meares.

<sup>d</sup> British memorial of May 16, 1790. (MS. Arch. Hist. Nacional, Madrid, Sec. Estado, 4291.) The reference cited in note <sup>b</sup> on the preceding page says that Merry sent with the memorial a copy of the original in English for fear of mistakes in the translation. The memorial in French and a copy in English are still to be found together in the archives.

Apparently no previous writer on the Nootka affair has seen this memorial nor any of the earlier documents. No reference is made to them except such as is drawn from later documents which give brief reviews of the earlier correspondence. Bancroft (*History of the Northwest Coast*, I, 229, note 46) says: "Up to this point the correspondence is not, so far as I know, extant

In this memorial England renewed her demand for satisfaction for the insult to her flag, and added a demand that Spain indemnify the owners of the captured vessels. She also rejected absolutely the Spanish claim to exclusive sovereignty by asserting England's unquestionable right to unoccupied portions of the coast in question. Incidentally it is valuable as a declaration of Great Britain's position on the question of the rights of colonization.

Two days after receiving this memorial Floridablanca answered Merry's note which accompanied it. He gave the pacific assurances that the British agent had asked, but in general terms. In keeping with his peaceful professions he proposed a mutual and proportionate disarmament. He asserted that His Catholic Majesty knew of the capture of only one vessel; and it had been trading illicitly, at the time, in a place occupied by the Spanish.<sup>a</sup>

On the following day Merry replied, expressing his satisfaction with the pacific intentions of the Spanish Court. He said that he would gladly dispatch one of the English messengers with the Count's peaceful assurances.<sup>b</sup> Fearing lest Floridablanca meant this informal note as a reply to the British memorial of May 16, he gave the Spanish minister to understand that he still expected a formal reply.<sup>c</sup> The British messenger bearing the peaceful assurances left Madrid May 21<sup>d</sup> and arrived in London June 1. Since the reply contained nothing indicating that Spain would grant the English demands, the armaments were continued.<sup>e</sup> Another

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in its original form, but is only known from citations and references in later documents." For English and Spanish material the documents in the Annual Register seem to have been the only source used to any extent. In fact this work contains nearly all of the documents that have been published on the diplomatic phase of the incident. Greenhow has reprinted most of them in the appendix to his *Oregon and California*. Muriel, *Historia de Carlos IV*, I, 111, mentions this memorial.

<sup>a</sup> Floridablanca to Merry, May 18, 1790. (MS. Arch. Hist. Nacional, Madrid, Sec. Estado, 4291.) Up to this time Floridablanca had evidently not read carefully all of the papers which he had received from the Viceroy five months before, or he would not have asserted that only one vessel had been seized unless, indeed, he was intentionally prevaricating. He seems to have become informed shortly after, for in his formal reply of June 4 he mentioned the *Princess Royal*.

<sup>b</sup> Merry to Floridablanca, May 19, 1790. (MS. Arch. Hist. Nacional, Madrid, Sec. Estado, 4291.)

<sup>c</sup> Narrative of the Negotiations between England and Spain, 111.

<sup>d</sup> Letter from Madrid of May 25, Gazette de Leide, June 11, 1790.

<sup>e</sup> Work cited, note c above, 113.



messenger from Merry arrived in London ten days later with less pacific news. Floridablanca's language to the foreign ministers at Aranjuez showed that he still thought that England was determined to break with Spain. He looked on the English King's message to Parliament as almost equivalent to a declaration of war. England's advices to all settlements abroad increased his conviction. Her tone toward Spain he thought insufferable. He still desired peace, but feared that Spain would be driven to the necessity of defending herself. Not only had Floridablanca expressed himself thus to the foreign ministers, but he had made an appeal for money, and the bankers of Madrid had agreed to furnish some £4,000,000.<sup>a</sup>

Floridablanca's formal reply to the British memorial reached London June 15. Merry had received it from the Spanish Court on the 4th of the same month.<sup>b</sup> It declared that His Catholic Majesty would claim nothing but what he could base on treaty rights, on the consent of nations, and on immemorial possession. The discussions with the new ambassador would turn on these points. If Spanish subjects had gone beyond these rights they would be punished, and the injured parties would be indemnified. Spain did not mean to carry her claim to all of the South Sea, but only to "the Indian continent, islands, and seas, which by discovery, treaties, or immemorial possession have belonged and do belong to her by the acknowledgment of all nations." The Spanish King denied that Spain's not having settled any particular spot was a proof that it did not belong to her. Were this admitted, the Count argued, any nation might establish herself on the dominions of any other nation wherever there was not an actual establishment. This, he said, would be absurd to think of. Satisfaction and indemnification should rest on the question of right, which was to be settled by the negotiation.<sup>c</sup>

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<sup>a</sup> Narrative of the Negotiations between England and Spain, 113.

<sup>b</sup> [Floridablanca] to Merry, June 4, 1790. (MS. Arch. Hist. Nacional, Madrid, Sec. Estado, 4291.) This is a brief note unsigned, but in the Count's handwriting. It states that he is sending to Merry a reply to the latter's of May 16.

<sup>c</sup> Narrative of the Negotiations between England and Spain, 115-119. The same is published in full in the Annual Register, XXXII, 292, under a wrong title. On the same day Floridablanca issued his circular note to all the Courts of Europe. (See Chapter VIII.)

This review of the essential points of the two memorials shows that the Courts were as far apart as ever. The conflicting colonial principles were clearly stated, and each nation stubbornly persisted in its own view. In his remarks on this communication Merry conceived that there was little or no room left to expect that any change would occur in the sentiments of the Spanish Court. He thought that the Spanish delay had probably been occasioned by the fluctuating advices from France. He could attribute the conduct of Spain to no other motive than a hope that her being attacked by England might put France under the necessity of engaging in the war.<sup>a</sup>

Fitzherbert conducted the English negotiations from this point. His record as a diplomat was already established. He had negotiated the treaty of peace with France and Spain in 1783. The next four years he had been envoy extraordinary to Russia. After that he had been for some time chief secretary to the lord-lieutenant of Ireland. He had also been made a member of the privy council. He left London May 9<sup>b</sup> and went to Paris, where he tarried for some time. His delay at this place was due partly to sickness, partly to his being engaged in making some representations to the French Court in connection with Fitzgerald,<sup>c</sup> and partly to his awaiting written instructions from London to govern him in his negotiations with Spain.<sup>d</sup> He reached Madrid June 9.<sup>e</sup> The next day he wrote a note to Florida-

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<sup>a</sup> Narrative of the Negotiations between England and Spain, 119.

<sup>b</sup> Id., 72.

<sup>c</sup> Id., 83-90. In these pages is a discussion of the French attitude. Montmorin gave friendly assurances to the English representatives. The conflicting interests of the Government and the Assembly were discussed. On May 21 Earl Gower was sent as ambassador extraordinary to Paris. He was to reject mediation if offered. (See Id., pp. 91-94.) While in Paris Fitzherbert attempted to induce Lafayette and the Liberal party to support the English contention. He had failed to renew his acquaintance with Lafayette, but understood that the latter still wished to see free intercourse between the Spanish colonies and the nations of Europe, and believed that he would not acquiesce in a war undertaken on principles diametrically opposite. Fitzherbert to Pitt, Paris, May 20, 1790; (Smith MSS., Hist. MSS. Com. Rpt., 12, appendix 9, p. 387.)

<sup>d</sup> Id., 72-82. These instructions order the ambassador to be firm in his demands, but express a desire, apparently sincere, to terminate the difficulty amicably. In case of his hearing that Spain had forced a breach, he was to proceed no further without new instructions. If after reaching Madrid he should be ordered to quit the place, he was to go to Lisbon. If Spain should declare war, but not order him to leave, he was to await new instructions at Madrid.

<sup>e</sup> Id., 121.

blanca, who, with the whole Spanish Court, had gone to Aranjuez. This note announced his presence and his intention of reaching Aranjuez the same evening. It also inclosed his credentials signed by the English King.<sup>a</sup>

The following day he had an interview with Florida-blanca. Two days later, June 13, he received his formal introduction to the King and Queen.<sup>b</sup>

In their interview of June 11 Fitzherbert and Florida-blanca exchanged views on the question in dispute. The former, conceiving that the memorial given to Merry on June 4 must fall short of His Britannic Majesty's just expectations, urged the latter to give him a more favorable communication. The latter insisted that the paper in question contained the utmost that Spain ought to grant. He declared that compliance with the British demand for satisfaction would invalidate the Spanish claims to sovereignty, rendering further discussion useless. Therefore the British demand and the Spanish claim, he maintained, ought to be discussed at the same time. He asked that Fitzherbert's statements should be presented in writing. Consequently, two days later the British ambassador sent a brief memorial presenting the British demand in language which makes it seem plausible. Stripped of its verbiage it declares that England desires a peaceable settlement, but that there can be no further negotiation until Spain shall have fulfilled three conditions: First, restored the vessels; secondly, indemnified the injured parties; thirdly, given satisfaction to the British sovereign for the insult offered to his flag. A declaration that the Spanish King would grant these demands would be accepted as ground for the negotiation.<sup>c</sup>

After this first exchange of views with the Spanish min-

<sup>a</sup> Fitzherbert to Floridablanca, Madrid, June 10, 1790. (MS. Arch. Hist. Nacional, Madrid, Sec. Estado, 4245.) The credentials were dated Whitehall, May 7, 1790.

<sup>b</sup> Narrative of the Negotiations between England and Spain, 121, 123.

<sup>c</sup> Fitzherbert to Floridablanca, June 13, 1790. (Brit. Mus., MSS. 34431. f° 402.) The same is published in the Annual Register, XXXII, 298. The title to this, as well as to the two documents which precede it in the same work, is wrong.

The following comment on the unreasonableness of the English demand is to the point: "Es war das in der That eine eigenthuemliche Methode, Gewalt und Recht zu mischen, einer kuenstigen Eroerterung Alles vorzubehalten und zugleich das Resultat dieser Eroerterung zu antzueipren." (Baumgarten, Geschichte Spaniens zur Zeit der franzoesischen Revolution, 289.)

ister, Fitzherbert reported his observations to the British Cabinet. He thought that Spain was bent on war, and was refusing satisfaction in hope of inducing England to make reprisals which would serve as a pretext for demanding French aid. As to her motive, he thought that she certainly could not hope to regain Gibraltar or her West Indian possessions; and it could not be to counteract French revolutionary infection, for everything was quiet in Spain. He believed the real cause to be Floridablanca's suspicion that England had designs on the Spanish colonies. The Spanish minister seemed to count little on French aid, but to expect substantial help from the United States. Some advances had been made to that power, and Carnichael, the American chargé, was much caressed at Court. The American agent thought that his Government would not be favorable.<sup>a</sup> A few days later, Fitzherbert expressed his confidence that no encouraging communication had been received from America. On the contrary, there had recently been marked symptoms of coldness.<sup>b</sup>

In answer to the British ambassador's communication of June 13, Floridablanca replied five days later that he could not consent to the principles which it laid down. However, for the sake of peace, he offered to make the declaration proposed, provided one of three explanations be added: First, the question of insult and satisfaction should be decided by the arbitration of a king of Europe, to be chosen by England; or, second, no facts should be admitted in the subsequent negotiation unless fully established by Great Britain; or, third, the satisfaction should not prejudice the rights of Spain nor prevent her from exacting equivalent satisfaction from Great Britain if it should be found that she had a right to do so.<sup>c</sup> In spite of the evident fairness of these proposals, they were not accepted. In reporting them to the British Court, Fitzherbert suggested that he considered them inadmissible. The English Cabinet seems to have agreed with him. This makes it appear that England was afraid to submit her case to the judgment of a third party, even

<sup>a</sup> Fitzherbert to Leeds, Aranjuez, June 16, 1790. (MS. from the public record office, London, Chatham MSS., bdle. 341.) The substance of the same, in *Narrative of the Negotiations between England and Spain*, 125.

<sup>b</sup> Work cited in last note, 146.

<sup>c</sup> *Narrative of the Negotiations between England and Spain*, 129,

though she had the privilege of selecting the judge. Further, she seemed unwilling to confine the negotiation to established facts, or to suffer the consequences in case the negotiation should show her to have been in the wrong. It appears that the English Court had decided to force from Spain once and for all an acknowledgment of the British principle of colonization. Nothing less would be accepted. It was this, and not simply justice, that she demanded.

For some time after this the British ambassador received no communication from the Spanish minister. This was partially accounted for by accident. On the same day that Floridablanca had written the document last studied an attempt was made to assassinate him. He was stabbed by a fanatical Frenchman. The wound was not serious. In letters of June 24 and 28 Fitzherbert reported that the Count still refused to see him on the pretense of indisposition, though he was transacting other business. The Spanish Court had assumed a more pacific attitude and seemed sincerely desirous of an accommodation. The delay was continued in hope that a reply would soon be received from London to the Spanish memorial presented to Merry June 4.<sup>a</sup>

The pacific intentions of the Spanish Court were further shown by the fact that orders had been given to the commanders of various ports to treat British war ships, which were hovering in the neighborhood, as they would be treated in a period of profound peace. Furthermore, in an informal interview of July 1, Floridablanca said that he had been busying himself on a plan for an ulterior arrangement which he thought would entirely fulfill the views and objects of both parties.<sup>b</sup> At a conference on July 10 the Count presented his plan. The essential points were: First, Spain should retain exclusive possession of the Northwest Coast up to and including Nootka; second, from Nootka to the sixty-first degree the two Crowns should have common rights, except that south of the fifty-sixth degree British influence should not extend beyond a certain distance inland; third, Great Britain should have the right of fishing in the

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<sup>a</sup> Narrative of the Negotiations between England and Spain, 145-149.

<sup>b</sup> Fitzherbert to Leeds, Aranjuez, July 1, 1790. (MS. Arch. Hist. Nacional, Madrid, Sec. Estado, 4291.)

South Sea and of landing and erecting temporary buildings in unoccupied places, though no English vessels should approach a Spanish settlement; and fourth, the mutual rights should not be discussed and the mutual demands for satisfaction should be waived, in which case Spain would pay the losses on ships taken at Nootka. Fitzherbert declared the plan inadmissible, but said that it might possibly be modified to make it acceptable.<sup>a</sup> This is interesting as foreshadowing in some respects the final settlement.

About the middle of July Fitzherbert received the English reply to the Spanish memorials of June 4 and June 18. Extended instructions were given to guide him in his communication to the Spanish Court. These had been sent from London July 5<sup>b</sup>. In obedience to his instructions, the British ambassador presented to the Spanish minister on July 17 a new memorial defining the British views on the point of satisfaction.

With the memorial he inclosed drafts of a proposed Spanish declaration and a British counter declaration which would be acceptable to His Britannic Majesty as affording the satisfaction demanded. The memorial declared that the Spanish communications did not contain the satisfaction demanded, nor was a plausible ground established for refusing the demands. To justify these demands it was urged that there had been no established possession of nor proved sovereignty over the Nootka region which could have justified the seizure of British vessels. For such justification there must have been actual possession and exercise of jurisdiction which had been recognized by other nations. From the representations of the Spanish Court itself, it appeared that the Spaniards had undertaken the occupation only a few days before the seizure of the vessels in question. English subjects had for many years previously frequented the place and had traded with the natives without interruption. Hence it was impossible for Spain to maintain her claim to exclusive jurisdiction. The simple restoration of the vessels was not sufficient. No reparation had been made for the insult

<sup>a</sup> Narrative of the Negotiations between England and Spain, 152.

<sup>b</sup> Leeds to Fitzherbert, July 5, 1790 (Brit. Mus., MSS. 34432, f° 32-36); Fitzherbert to Leeds, Madrid, July 15, 1790 (MS. public record office, Spain, XVIII, 159).

to the British flag. "In consequence, His majesty finds it necessary to demand anew in terms most direct and least equivocal the satisfaction already demanded, and which can not longer be deferred without consequences which His Majesty desires ardently to avoid." As soon as this demand should be met England would be ready to treat with reference to rights of territorial possessions, commerce, navigation, and fisheries in that part of the world.<sup>a</sup>

In his private instructions referred to above, Fitzherbert was told that the giving of satisfaction must amount to an admission that Spain was not in possession of an actual and known sovereignty at Nootka. No discussion could take place on this point, it was declared, after the satisfaction should be given. If Spain could prove her claim to sovereignty, it must be done before the point of satisfaction should be reached. If proved, it would remove the ground on which satisfaction was demanded; but, it was added, no such proof could be adduced. Hence satisfaction was insisted upon.<sup>b</sup> This was tantamount to saying that the British Court would not be convinced, no matter what arguments the Spanish Court might produce. Spain was just as confident that she did possess sovereignty over Nootka as England was that Spain did not. The Spanish Court had taken great care to collect evidence on this point. A commission was sent to examine the archives of the Indies at Seville for this purpose. Their report covered some 200 pages of manuscript. It was a compilation of accounts of exploring expeditions, of royal orders and decisions, of acts of the council of the Indies, and of laws promulgated, all affecting that part of the world. Its purpose was to show that Spain had always claimed and exercised the rights of sovereignty over those regions and the right of excluding other nations from her possessions in the South Sea.<sup>c</sup> The treaty of Utrecht was repeatedly cited in the various memorials and letters as guaranteeing Spain's rights in the Indies as they had been in the time of Charles II. The willingness of Spain to submit

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<sup>a</sup> Memorial signed by Fitzherbert, July 17, 1790. (MS. Arch. Hist. Nacional, Madrid, Sec. Estado, 4291.)

<sup>b</sup> Instructions cited in note *d* on foregoing page.

<sup>c</sup> Report submitted June 18, 1790, in consequence of a royal order of June 7. (MS. Arch. Hist. Nacional, Madrid, Sec. Estado, 2848.)

the matter to arbitration shows that she had confidence in the justice of her cause. England's refusal to arbitrate indicates a lack of confidence.

On July 22 Floridablanca replied to Fitzherbert's communication of five days before. He added little to what he had said in documents already studied. He repeated the grounds on which Spain rested her claim—grounds that were absolutely good from the Spanish standpoint. He showed again the unreasonableness and absurdity, from the same standpoint, of the English demands, and their contravention of treaties. He assumed, not without cause, a tone of injured innocence, and concluded that it was not worth while to extend further his reflections on points so clear nor in demonstration of the rights of Spain, since enough had been said already. The Spanish King had no intention, he declared, of being dragged into a war over an academic dispute. He agreed to give, first, such satisfaction as one of the Kings of Europe, chosen by England as arbitrator, should think proper; or, secondly, to give whatever satisfaction should be reciprocally agreed upon, it being understood that such satisfaction should not prejudice the rights of Spain to Nootka. He appealed to the honor and justice of all nations to recognize the generosity of His Catholic Majesty's heart, since to avoid dragging Europe into war he would sacrifice his own well-founded opinion, even though prepared to enforce it by his superior armament.<sup>a</sup> Having led, or rather forced, the Spanish minister to yield this much, Fitzherbert continued to press him until he agreed to the declaration and counterdeclaration, almost word for word, as they had been dictated by the British Cabinet. They were signed July 24, and are as follows:<sup>b</sup>

DECLARATION.

His Britannic Majesty having complained of the capture of certain vessels belonging to his subjects in the port of Nootka, situated on the Northwest Coast of America, by an officer in the service of His Cath-

<sup>a</sup> Spanish memorial of July 22, 1790. (MS. Arch. Hist. Nacional, Madrid, Sec. Estado, 4291.)

<sup>b</sup> A French version is found in *Narrative of the Negotiations between England and Spain*, 156-158. There is an English version in *An. Reg.*, XXXII, 300. A Spanish version is in Calvo, *Recuell Complet des Traités de l'Amérique Latine*, 347. Many other works have reproduced them.



olic Majesty, the undersigned counselor and principal secretary of state to His Majesty, being thereto duly authorized, declares in the name and by the order of His Majesty, that he is willing to give satisfaction to His Britannic Majesty for the injury of which he has complained, fully persuaded that His said Britannic Majesty would act in the same manner toward His Catholic Majesty under similar circumstances; and His Majesty further engages to make full restitution of all the British vessels which were captured at Nootka, and to indemnify the parties interested in those vessels for the losses which they may have sustained, as soon as the amount thereof shall have been ascertained. It being understood that this declaration is not to prejudice the ulterior discussion of any right which His Catholic Majesty claims to form an exclusive establishment at Nootka.

In witness whereof I have signed this declaration and sealed it with the seal of my arms at Madrid the 24th of July, 1790.

COUNT FLORIDABLANCA.

#### COUNTER DECLARATION.

His Catholic Majesty having declared that he was willing to give satisfaction for the injury done to the King by the capture of certain vessels belonging to his subjects in the Bay of Nootka; and Count Floridablanca having signed, in the name and by the order of His Catholic Majesty, a declaration to this effect, and by which His said Majesty likewise engages to make full restitution of the vessels so captured and to indemnify the parties interested in those vessels for the losses which they shall have sustained, the undersigned ambassador extraordinary and plenipotentiary of His Majesty to the Catholic King, being thereto duly and expressly authorized, accepts the said declaration in the name of the King; and declares that His Majesty will consider this declaration, with the performance of the engagements contained therein, as a full and entire satisfaction for the injury of which His Majesty has complained.

The undersigned declares at the same time that it is to be understood that neither the said declaration signed by Count Floridablanca nor the acceptance thereof by the undersigned, in the name of the King, is to preclude or prejudice, in any respect, the rights which His Majesty may claim to any establishment which his subjects may have formed, or may desire to form in the future, at the said Bay of Nootka.

In witness whereof I have signed this counter declaration and sealed it with the seal of my arms at Madrid the 24th of July, 1790.

ALLEYNE FITZHERBERT.

The only difference of any importance between the drafts prepared by the British Cabinet and the documents as finally signed is the insertion in the Spanish declaration of the clause "fully persuaded that His said Britannic Majesty

would act in the same manner toward His Catholic Majesty under similar circumstances." <sup>a</sup>

Fitzherbert wrote that on the first occasion of his paying his respects to His Catholic Majesty after the declarations had been signed that Monarch had deigned to converse freely concerning them, saying that they had given him the sincerest pleasure, and that he considered them "a happy earnest of the revival of that perfect harmony and good understanding which it was his constant wish to maintain with the Crown of Great Britain." The ambassador reminded Leeds "that it is extremely unusual for His Catholic Majesty to converse with foreign ministers on any political topic, from which circumstance, joined to the known sincerity of his character and the marked cordiality of air and manner with which he accompanied this declaration, I can safely convey it to your grace as the genuine expression of his feelings." <sup>b</sup>

These declarations settled merely the question of satisfaction which England had demanded as the indispensable preliminary to a discussion of the respective rights of the two Crowns on the Northwest Coast, and particularly at Nootka. This simply repaired the insult which England felt that she had suffered at the hands of Spain. They were now ready to begin negotiations on a friendly basis for the settlement of the present difficulty and the arrangement of a *modus vivendi* for the future. News of the declarations reached London August 5, and Grenville immediately notified the King, congratulating him on the event, "which, as far as it goes, appears highly satisfactory and seems to offer the most favorable prospect for such an ultimate termination of the business as may correspond with Your Majesty's wishes." <sup>c</sup> In a letter of the next day, Leeds praised Fitzherbert for the latter's success. <sup>d</sup>

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<sup>a</sup> Compare with draft of declaration and draft of counter declaration inclosed with Leeds to Fitzherbert, July 5, 1790 (Brit. Mus., MSS. 34432, f<sup>o</sup> 42-44); the same, pp. 142, 143 of the Narrative, cited in last note.

<sup>b</sup> Fitzherbert to Leeds, Madrid, July 29, 1790. (MS. public record office, Spain, XVIII, 273.)

<sup>c</sup> Grenville to George III, August 4-5, 1790. (Fortescue MSS., 1, 603.)

<sup>d</sup> Leeds to Fitzherbert, August 6, 1790. (MS. Arch. Hist. Nacional, Sec. Estado, 4243.) Several writers on the subject seem to have made the mistake of thinking that these declarations were intended as a final settlement but were rejected. Calvo, in his *Recuell*, says that the declaration was rejected by England and the armaments were continued.

During the months of May, June, and July, while the negotiations that have been studied in this chapter were in progress, both countries continued their warlike preparations. Shortly after reaching Madrid Fitzherbert reported a Spanish fleet of 30 sail of the line, though poorly manned.<sup>a</sup> Baumgarten tells of the difficulty which the Spanish Government experienced in getting sailors. He says that they took refuge in the mountains to escape being pressed into the navy.<sup>b</sup> On July 5 the British ambassador reported that the Spanish fleet at Cadiz had been ordered to sea immediately, but he thought it simply a show of vigor to inspire confidence.<sup>c</sup> Four days later he received a note from Floridablanca explaining the movement. The King of Spain, having learned that the English fleet had put to sea, gave orders to his to move also, but to refrain from hostilities unless attacked.<sup>d</sup> Two Spanish ships of war, with 1,000 soldiers, had been sent to Porto Rico, since an attack was apprehended at that point.<sup>e</sup> By the 20th of the same month Spain had 34 ships of the line and 16 smaller craft at sea.<sup>f</sup> At the end of June an English fleet of 25 vessels of the line had put to sea,<sup>g</sup> and had been joined early in July by the Dutch fleet under Admiral Kinsbergen.<sup>h</sup>

During all this time the armaments had been carried on in spite of repeated offers and requests from Spain to disarm mutually. As early as May 18, on receipt of the British memorial presented two days before, Floridablanca had proposed to Merry mutual and proportionate disarmament.<sup>i</sup> This was repeated in the Spanish memorial of June 4.<sup>j</sup> The British Cabinet rejected the proposition. In his instruc-

<sup>a</sup> Fitzherbert to Leeds, June 16, 1790. (MS. public record office, London, Chatham MSS., bdle. 341.) Also Merry to Leeds, June 4, 1790. (MS. public record office, London, vol. for Spain, 17.)

<sup>b</sup> Baumgarten, *Geschichte Spaniens zur Zeit der franzzoesischen Revolution*, 292.

<sup>c</sup> *Narrative of the Negotiations between England and Spain*, 150.

<sup>d</sup> *Id.*, 151. Muriel, *Historia de Carlos, IV*, I, 112-121. This author gives an extended discussion of the Spanish fleet, giving the size of each vessel, its name, and the name of its commander.

<sup>e</sup> *Narrative of the Negotiations between England and Spain*, 154.

<sup>f</sup> *Id.*, 66.

<sup>g</sup> Report to the National Assembly. (Arch. Parl., first series, XVI, 692.)

<sup>h</sup> See last chapter.

<sup>i</sup> [Floridablanca] to Merry, May 18, 1790. (MS. Arch. Hist. Nacional, Madrid, Sec. Estado, 4291.)

<sup>j</sup> An. Reg., XXXII, 298.

tions of July 5 Leeds cautioned Fitzherbert to be particularly careful not to give the smallest encouragement to this idea. His Majesty could not consent to discontinue preparations until he should have secured freedom of commerce, navigation, and fisheries in the districts in question.<sup>a</sup> After the declaration and counter declaration had been signed, Floridablanca proposed limiting the operations of the fleets to prevent the possibility of an encounter.<sup>b</sup> On August 10 Campo, the Spanish ambassador in London, repeated the proposals for disarming.<sup>c</sup> In reply, four days later, Leeds gave assurance of England's desire for peace, but declared that Great Britain refused to disarm until the matter in question should be settled for the future.<sup>d</sup> On the same day that Leeds gave this decided answer to Campo in London, Floridablanca, in Madrid, had again proposed to Fitzherbert a mutual disarmament. On September 10, Leeds sent a formal reply, repeating what he had said to Campo on August 14.<sup>e</sup>

Far from yielding to the Spanish proposals, Great Britain was continuing her preparations and calling on her allies to do the same. On the day that Leeds rejected Campo's proposition to disarm, he instructed Auckland, the British ambassador at The Hague, to ask that Dutch preparations should not be relaxed. The national honor had been satisfied, but the question of peace or war had not been settled. It was requested that the Dutch fleet be ordered home for supplies and reinforcements.<sup>f</sup> August 19 this request was granted, and England was reassured of the support of Holland.<sup>g</sup> Baumgarten says that early in September the English and Spanish fleets were both hovering off Cape Finisterre, and were dangerously near to each other.<sup>h</sup>

In his instructions to Auckland of August 14, referred to above, Leeds had suggested that with a slight additional expense the Dutch and English fleets could be used to give

<sup>a</sup> Leeds to Fitzherbert, July 5, 1790. (Brit. Mus., MSS. 34432, f° 46.)

<sup>b</sup> Narrative of the Negotiations between England and Spain, 465.

<sup>c</sup> Id., 194.

<sup>d</sup> Narrative of the Negotiations between England and Spain, 199.

<sup>e</sup> Id., 240.

<sup>f</sup> Id., 234.

<sup>g</sup> Id., 236.

<sup>h</sup> Baumgarten, *Geschichte Spaniens zur Zeit der französischen Revolution*, 294.

weight to the representations already made by England for bringing about a pacification in the north and east of Europe. The Dutch Government assented that the general state of Europe, as well as the Spanish negotiations, warranted a continuance of their armament.

The relation between the Nootka Sound negotiations and the questions uppermost in eastern and northern Europe is more than incidental. In a dispatch of June 14 Theremin, the Prussian chargé at Madrid, wrote his Government that in case of a breach between England and Spain the latter would certainly join Russia and Austria.\* The situation of the powers was such that this would have been perfectly natural. Russia and Austria were waging a common war against the Porte. The former was also engaged in war with Sweden, and the latter had just been deprived of her control in the Netherlands by the Belgian revolution. England and the Netherlands were trying to quiet the storm and induce all parties to make peace on the basis of the status quo ante bellum. Prussia, the third member of the triple alliance, was not in harmony with the other two in this matter. On the contrary, she was attempting to increase the confusion in the hope of gaining something in the turmoil. She was attempting to force Galicia from Austria that she might restore it to Poland and receive as compensation Dantzic and Thorn. She was fostering the Belgian revolution so that in the end she might be able to return the Flemish provinces to Austria to compensate that power for the loss of Galicia. She had actually made a treaty with the Porte looking to this end, and had won the partial support of Poland. If Prussia had succeeded in dragging the other two members of the triple alliance with her into war and Spain had at the same time broken with England on the Nootka question, it would inevitably have thrown Spain into the arms of the imperial courts. The opponents, then, would have been Prussia, England, the Netherlands, and Turkey, with probably Poland and Sweden, against Russia, Austria, and Spain, with possibly Denmark. France had for a time been thought of as a fourth member of the pro-

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\* Baumgarten, *Geschichte Spaniens sur Zeit der franzoesischen Revolution*, 292.

posed alliance between Spain and the imperial courts, but the disturbances in that country had, for the present, made her almost a negligible quantity.

The conference at Reichenbach, which closed in August, affected materially the state of Europe. The pacific efforts of England and the Dutch Republic had already succeeded in curbing somewhat the warlike passions of Prussia, and at this conference won a further triumph for the peace principle by inducing Leopold of Austria to make peace with Turkey. But Russia still persisted for a time in her war with the Porte, and the English-Spanish dispute over Nootka Sound was almost as far from settlement as ever.\*

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\* See Lecky, *England in the Eighteenth Century*, V, 232-264. A number of letters between the King of Spain and the Queen of Portugal, running through the year, show that the latter power was offering her mediation to settle the quarrel with England; but this is a negligible influence. (See *Arch. Hist. Nacional*, Madrid, *Sec. Estado*, 4221.)

## CHAPTER X.

### AMERICA'S RELATIONS TO THE CONTROVERSY.

Attention was called above to the repeated conferences between Pitt and the South American agitator, Miranda. The fact was pointed out that these conferences occurred at the critical periods of the English-Spanish negotiations.<sup>a</sup> To repeat briefly: The first was on February 14, just after the receipt of the first Spanish communication on the Nootka affair, and before the British Court had formulated its reply. Miranda had previously proposed his "grand plan" for the advantage of England united with South America. At this conference the plan was admitted to be beneficial. It was decided that it should be put into execution in case of a war with Spain. In consequence of Pitt's request, Miranda presented, some three weeks later, a written statement of the commercial and military resources of South America. Again, on May 6, when the war excitement in London was at its highest, the great minister and the South American had a conference on the same subject. Pitt was on his way to a cabinet council and was taking with him for consideration at the council the papers which Miranda had presented. Grenville was present at the interview. The conversation was on the prospect of war with Spain, and on the disposition of the people of South America toward joining England in order to gain independence. Various interviews took place at Pitt's house while the Spanish negotiations were in progress.<sup>b</sup>

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<sup>a</sup> See Chapters VII and VIII.

<sup>b</sup> Miranda to Pitt, London, September 8, 1781. (Am. Hist. Rev., VII, 711, 712.) This document and several others, which will be referred to in this chapter, were collected and published by F. J. Turner. In this letter Miranda recounts his relations with Pitt between February, 1790, and September, 1791. It seems that Pitt had made repeated promises of financial aid, but had delayed them from time to time, until the writer had become impatient. A small sum had been paid, but much less than had been promised. He tells of Russian offers of friendship and support. Later correspondence indicates that he received money from time to time.

At some time during the year Miranda's plan was presented in the form of a draft of a constitution for the Spanish-American colonies after they should have gained their independence. The proposed new empire was to include all of South America, except Brazil and Guiana, and the portion of North America west of the Mississippi River and south of the forty-fifth parallel. Cuba was to be included as the key to the Gulf of Mexico. The government was to be modeled in a general way on that of Great Britain. The executive power was to be lodged in an inca, under the title of "emperor," with hereditary succession. The upper chamber was to be composed of members nominated for life by the inca. Further details of the government were worked out.<sup>a</sup> Miranda reminded Pitt that the latter had seemed pleased with his ideas and had asked him to leave the draft for further perusal. Plans for carrying on the war were discussed, and the most favorable point for attack in South America was considered. Means were devised for enlisting the interest of Jesuits in Italy who were natives of South America and had been exiled by the King of Spain. Accounts of recent insurrections in Spanish America were given to show how ready the people were for emancipation. Later, a detailed plan of attack was presented, with maps to illustrate it. At Pitt's request a plan of the defenses of Havana was left with him.

This shows what extended plans the British Cabinet was considering. It was to be expected that England would persist in her demands, for if Spain would not yield there was much to expect from a war. Secret agents at various places in America were collecting information looking toward military operations to carry out these schemes. Besides the overtures to the United States through Canada, to be discussed presently, there were secret emissaries at Charleston and New York, and information was being collected concerning New Orleans, the Floridas, and the Mississippi country. The feasibility of marching troops from New Orleans to Mexico was considered, and reports were made by men who were familiar with the country. Some of the secret employees were enthusiastic over the possibility of making a great English colony out of the Floridas and the Mississippi Val-

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<sup>a</sup>Am. Hist. Rev., VII, 711, note 4.



ley. Agents of the Creek and Cherokee Indians were negotiating for a friendly connection with England. The plan, as far as it had taken shape, seems to have been for England to seize the heart of North America for herself and erect the remainder of Spanish America into a client state.<sup>a</sup>

As mentioned above, the British Cabinet sent instructions on May 6 to Lord Dorchester, the governor of Canada.<sup>b</sup> He had intended to visit England during the summer, but was requested to remain and prepare for the impending struggle. Besides strengthening his own dominions he was to make friendly overtures to the United States.<sup>c</sup> In consequence of these orders Lord Dorchester gave instructions on June 27 to Major Beckwith, whom he had selected as the medium through which these overtures should be made. Beckwith was given double instructions. The one set was to guide his conversations in discussing public questions in a general way. The other was secret and for his private guidance. In the first he was instructed to say that the appearance of war with Spain rendered it improbable that Dorchester would obtain his expected leave of absence that season. He was to return hearty thanks for the friendly approbation of Dorchester's proposed trip through the United States on his way to England. He was to express the hope that the appearance of a war with Spain, or even its actual occurrence, would not alter the friendly disposition of the United States toward Great Britain. He was to mention the pretensions of Spain to absolute control over navigation, commerce, and fisheries in the Pacific Ocean, and discuss the evil effect on the United States if such control should be conceded. These things he might say freely and publicly. But his secret instructions were to guide him in conversing with those whom he might select as proper persons in whom to confide. From them he was to learn the disposition of the Government and the people toward England if the affair with Spain were not considered. Then he was to discover what difference a war with that country might make. He was to ascertain whether in case war should occur they would be likely to join Spain, and also to find what might

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<sup>a</sup> *Am. Hist. Rev.*, VII, 716-735.

<sup>b</sup> See Chapter VIII.

<sup>c</sup> *Narrative of the Negotiations between England and Spain*, 57.

induce them to join Great Britain in such an event. In discussing the Mississippi question he was to be cautious, but might suggest that England would probably assist in obtaining its navigation. Naval and military movements should be watched.<sup>a</sup>

Dorchester reported to the home office, on July 7, that Beckwith had been hastily sent back to New York.<sup>b</sup> The latter did not have to wait long to find the right man to converse with on the matter contained in his secret instructions. On July 8, Hamilton, the Secretary of the Treasury, made a memorandum giving the substance of a communication from him. The major had spoken of the expected rupture and had observed that all commercial nations must favor the views of England.

It was therefore presumed, should a war take place, that the United States would find it to their interest to take part with Great Britain rather than with Spain.<sup>c</sup>

It seems that Hamilton communicated the matter to the President at once, for in a letter reporting a later conversation with Beckwith he says:

I have made the proper use of what you said to me at our last interview [July 8].<sup>d</sup>

Under date of July 12, Jefferson, the Secretary of State, prepared a paper entitled, "Heads of a consideration on the conduct we are to observe in the war between Spain and Great Britain, and particularly should the latter attempt the conquest of Louisiana and the Floridas." As one would expect, Jefferson inclined toward Spain rather than England. He brought out the danger to the United States if England should get control of New Orleans and the neighboring territory. He suggested the idea of joining Spain in guaranteeing the independence of these countries instead of allowing Great Britain to take them. The paper seems to have been prepared to serve as a guide in an approaching inter-

<sup>a</sup> Lord Dorchester to Major Beckwith, Quebec, June 27, 1790 (Can. Arch., 1890, p. 143); and same to same on same day (Id., 144). Very little is known of Beckwith besides his being sent on this mission. Douglas Brymner, in his Introduction to this volume of the Canadian Archives, p. xi, gives a brief sketch. He says that the records at Washington reveal nothing regarding Beckwith or his mission.

<sup>b</sup> Dorchester to Grenville, Quebec, July 7, 1790. (Id., 145.)

<sup>c</sup> Hamilton, Works, IV, 31.

<sup>d</sup> Id., 32. Also Can. Arch., 1890, p. xxxvi

view with the Canadian agent, for he says, "As to England, say to Beckwith," etc.,<sup>a</sup> then gives the substance of what Hamilton reported as having been said to that gentleman in an interview of July 22, at which Jefferson was present.

In this interview the fact was brought to light that Beckwith was not an authorized British agent, but that he had been sent by Dorchester with the knowledge of the British Cabinet. Owing to his unofficial character nothing of importance passed, but he was told that the United States was ready to answer when it should be presented in an official form. Hamilton had said that, at the time, he--

would not mean either to raise or repress expectations. \* \* \* Something was said respecting the probable course of military operations in case of a war between Britain and Spain, which Mr. Beckwith supposed would be directed toward South America, alleging, however, that this was mere conjecture on his part. I hinted cautiously our dislike of any attempt on New Orleans.

Hamilton added in a note:

The views of the Government were to discard suspicion that any engagements with Spain or intentions hostile to Great Britain existed; to leave the ground in other respects vague and open, so as that in case of a rupture between Great Britain and Spain the United States ought to be in the best situation to turn it to account in reference to the disputes between them and Great Britain on the one hand and Spain on the other.<sup>b</sup>

Beckwith reported to Dorchester that Hamilton had said:

We are perfectly unconnected with Spain, have even some points unadjusted with that Court, and are prepared to go into a consideration of the subject.<sup>c</sup>

Scott, a member of the House of Representatives from western Pennsylvania, told Beckwith that the prospect for a rupture made most forcible impressions on all classes in the States. There was a deep interest, he said, in the prospect of England's possessing New Orleans. The possible dismemberment of South America and the opening of commerce

<sup>a</sup> Jefferson, Works, IX, 409.

<sup>b</sup> Hamilton, Works, IV, 32. Also Can. Arch., 1890, p. xxxvii.

<sup>c</sup> Can. Arch., 1890; p. 145. Inclosure with Dorchester to Grenville, September 25, 1790, marked "Supposed No. 7." These inclosures and others similar, sent at various times by Dorchester to the British Cabinet, are designated as unofficial information. No names are given, but the speakers are indicated by number. Keys were sent from time to time showing for whom the numbers stood. A complete key is found in the introduction to this volume (p. xli). The above information reached Dorchester August 5.

with that continent was of interest, as well as the question of navigation, commerce, and fisheries in the Pacific. He thought that the moment was very favorable for England; and he saw no reason why the United States should not assist her.<sup>a</sup> After news of the declaration and counter declaration, signed at Madrid July 24, reached America, Beckwith reported general dissatisfaction in the United States at the prospect of pacification. Agricultural interests had expected that the war would bring them high prices, and the shipping interests were expecting a share in the English carrying trade and hoped for free commerce with the Spanish West Indies. Friends of England thought that she ought to take the opportunity for ruining the Spanish marine, which they imagined to be an easy matter. British possession of New Orleans was expected and desired, except by the Government which hoped to gain from a neutral position when the settlement should come. At the same time he reported another conversation with Hamilton. The Secretary had said:

We consider ourselves at perfect liberty to act with respect to Spain in any way most conducive to our interests, even to the going to war with that power, if we shall think it advisable to join you.<sup>b</sup>

These reports were doubtless colored by the desire of the Canadian agent to send as favorable news as possible; but after allowing for the exaggerations and the distortion of facts that would naturally be expected, enough remains to show that the prospect of war was common talk and that it was not altogether undesired. They also point to the well-known fact that England had many friends in the United States and some even in the highest official circles.

While Beckwith was holding these unofficial conferences with American statesmen President Washington and his advisers were considering what measures the Government should take in the event of hostilities breaking out. Between the time of Beckwith's first interview with Hamilton and that of the more formal conference a fortnight later in Jefferson's presence the latter had written to Monroe con-

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<sup>a</sup> Id., 147, No. 14. The key shows this to have been Mr. Scott.

<sup>b</sup> Id., 162, 163, No. 7.

H. Doc. 429, 58-3—27

cerning the matter. He said that a war between England and Spain was probable. Symptoms indicated a general design on Louisiana and the Floridas. He spoke of the unpleasant position of the United States if England should obtain them. Both England and Spain, he said, ought to know that this country was in a condition for war.<sup>a</sup> Late in August President Washington wrote concerning the matter to his chief advisers. He thought that if Great Britain and Spain should come to arms New Orleans and the Spanish posts on the Mississippi would be the first objective point of the former. He asked what the answer to Lord Dorchester should be in case he should request permission to march troops from Detroit across the territory of the United States against the Spanish posts, or in case it should be attempted without leave, which was most probable.<sup>b</sup>

On the day after that on which the President's letter was written Jefferson answered it. He thought that the United States should keep out of the war as long as possible. If Lord Dorchester should make the expected demand, it should either be silently ignored, or, if granted, the same privilege ought to be offered to Spain. If the march should be attempted without permission, the United States should allow it, but protest against it, holding off from actual hostilities as long as possible.<sup>c</sup>

On the same day Chief Justice Jay answered the President's question. He considered, first, what the United States had a right to do from the standpoint of international law, and, secondly, what was expedient under the circumstances. Under the first head he concluded that, except in cases of absolute necessity, or those in which it could be shown that passage would be entirely innocent, the right of dominion involved the right of excluding foreigners. Under the second head he said that the probability of their being restrained by a refusal ought to be considered. If they would probably proceed anyway, it would be most prudent, he concluded, to consent. However, he added, these remarks retain little force when applied to leading troops from posts in the

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<sup>a</sup> Jefferson to Monroe, July 11, 1790. (Jefferson, Writings, V, 198.)

<sup>b</sup> Washington to Jefferson, August 27, 1790. (Id., 238.)

<sup>c</sup> Jefferson to Washington, August 28, 1790. (Id.)

actual possession of England through territory under English jurisdiction, though both the posts and the territory, of right, belong to the United States. He admitted that it would militate against the interests of the United States to have England occupy the Spanish territories in question. The extent to which the principles of the balance of power were applicable to the case in hand would merit serious inquiry, he remarked, if the United States had only to consider what might be right and just. But since the condition of the country strongly recommended peace, and since it would be more prudent to allow Great Britain to conquer and hold the Floridas than to engage in war to prevent it, such inquiries would be premature.<sup>a</sup>

On the second day after the President wrote, Vice-President Adams gave his opinion. He said that the interests of the United States pointed to neutrality as long as practicable. To preserve neutrality every wrong must be avoided. Granting to England the privilege in question would be an offense against Spain. Therefore, if asked, the answer should be a refusal. If the measure should be undertaken without leave there were two methods of procedure—the one was war; the other, negotiation. Nations, he said, are not obliged to declare war for every injury or even hostility; but tacit acquiescence would be misinterpreted. Negotiation, then, was the only alternative. The fact that there had been no exchange of ministers with England made this difficult. A remonstrance might be made in either of two ways. It might be handed by the American representative at Paris, Madrid, or The Hague to the British ambassador at the same place, or a special messenger might be sent to London to demand an audience, make remonstrance, and then take his leave shortly if a minister were not sent to the United States.<sup>b</sup>

Knox, the Secretary of War, sent his advice on the same day as the Vice-President. He mentioned the danger to the United States if England should get the Mississippi Valley. The true interests of the country dictated neutrality. Spain, he said, would not enter the war unless sup-

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<sup>a</sup> Jay to Washington, August 28, 1790. (Ford, *The United States and Spain in 1790*, 50.)

<sup>b</sup> Adams to Washington, August 29, 1790. (Id., 45.)

ported by France, and such support was not unexpected. If it should be given; France would attempt to associate the United States with her in the war. One of the parties might offer sufficient inducement to the United States to enter the war, or they might be obliged to enter the war on their own account to avert a greater evil.<sup>a</sup>

More than two weeks later Hamilton sent a long discussion of the question from the standpoint of national right and from the standpoint of expediency. He concluded that if Great Britain should ask the privilege, it would be best for the United States to agree to it and then explain the matter to Spain. If troops should be marched across without consent having been asked, it would be a cause of war and would have to be resented or a great national humiliation borne. Hostilities, he thought, should be delayed as long as possible.<sup>b</sup>

While these precautionary measures were being considered by the Government at New York, instructions were being sent to the American diplomatic agents in Europe to guide them in case of a breach between England and Spain. On August 11 Jefferson wrote instructions for Col. David Humphreys, whom he was sending to Europe as a secret agent of the United States. Humphreys was to go first to London, where he should deliver instructions to Morris, the American informal agent at that place. After delivering these he was to proceed by way of Lisbon to Madrid, where he should deliver instructions to Carmichael, the American chargé at the Spanish Court.<sup>c</sup>

Morris had been watching the progress of the dispute between England and Spain and had been in close touch and sympathy with French representatives.<sup>d</sup> The letter which Humphreys carried instructed Morris to intimate to the British Court in case of war that the United States could not be indifferent to the prospect of England's acquiring territory in the adjoining Spanish possessions. The American Government would contemplate a change of neighbors with extreme uneasiness. Due balance on their borders was not

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<sup>a</sup> Knox to Washington, August 29, 1790. (Id., 103.)

<sup>b</sup> Hamilton to Washington, September 15, 1790. (Hamilton, Works, IV, 48.)

<sup>c</sup> Jefferson to the United States secret agent, August 11, 1790. (Writings.)

<sup>d</sup> Morris, Diary and Letters, I, 325, 326, 329; Life and Writings, II, 113.

less desirable to Americans than the balance of power in Europe was to Englishmen. Jefferson wrote: "We wish to be neutral, and we will be so if they will execute the treaty fairly and attempt no conquests adjoining us." Other dominions of Spain, he declared, left them room for conquests. "If war takes place, we would really wish to be quieted on these two points, offering in return an honorable neutrality. More than this they are not to expect."

This was to be communicated only in the event of war having actually taken place.<sup>a</sup> Without waiting for America to broach the subject, the Duke of Leeds had sounded Morris on the American attitude toward the extravagant claims of Spain. The latter answered carelessly without giving any real information. He said that Spain was apprehensive of the Americans and would sacrifice for their friendship. He intimated that the navigation of the Mississippi might be offered.<sup>b</sup> A report was current in London that Spain had actually made this concession to the United States.<sup>c</sup>

Jefferson was planning to use French mediation to secure from Spain the opening of the Mississippi. He instructed Short, the American chargé at Paris, to make advances for this purpose through Lafayette if war had begun or whenever it should begin. France, he said, would be drawn into the war only as an ally, hence she might reasonably insist that Spain should do all in her power to keep the United States from the ranks of the enemy.<sup>d</sup>

In his instructions to Carmichael Jefferson suggested that, in case of war, the people of Louisiana and Florida would favor England. He also suggested that it would be best for both countries if Spain would cede the Floridas and New Orleans to the United States in return for a guaranty of the Spanish possessions on the west bank of the Mississippi. These matters were being pressed warmly and firmly, the Secretary said, under the idea that the war be-

<sup>a</sup> Jefferson to [Morris], August 12, 1790. (Works or Writings, under date.)

<sup>b</sup> Morris, Diary and Letters, I, 647; entry for September 15, 1790.

<sup>c</sup> This rumor was traced to Miranda, who, it was reported, said that he had seen it in a letter to Campo, the Spanish ambassador. (See Hamilton to Washington, September 21, 1790, Hamilton, Works, IV, 71; see also Humphreys to the Secretary of State, London, October 20, 1790; Ford, *The United States and Spain in 1790*, 31.)

<sup>d</sup> Jefferson to Short, August 10, 1790. (Jefferson, Writings, V, 218.)



tween Spain and Great Britain would be begun before Carmichael could receive these instructions, and such an opportunity must not be lost.<sup>a</sup> As stated in the previous chapter, Fitzherbert believed that Spain had made friendly overtures to the United States, but thought also that they would not be cordially received. The Spanish representative at New York presented a letter to President Washington on August 3 which doubtless contained the overtures to which Fitzherbert referred.<sup>b</sup> Very late in the negotiations Short thought that the Spanish ambassador at Paris was about to offer through him a concession of territory to the United States, but the conversation was interrupted before it reached the vital point.<sup>c</sup>

- Humphreys delivered Jefferson's instructions to Carmichael late in the year. Carmichael thought that America might have obtained all of her wishes if the Secretary's letters had arrived early in the summer. At that time—

The critical state of affairs induced the Comte de Floridablanca to throw out those general assertions that we should have no reason to complain of the conduct of this Court with respect to the Mississippi, which gave rise to the report its navigation was opened. That minister had intimations from del Campo of the conferences between Mr. Morris and the Duke of Leeds, which occasioned him to say with warmth to Mr. Carmichael, "Now is the time to make a treaty with England." Fitzherbert availed himself of these conferences to create apprehensions that the Americans would aid his nation in case of war.<sup>d</sup>

The circumstances studied in this chapter show that plans were being formed which, if they had been carried out, would

<sup>a</sup> Jefferson to Carmichael, August 2 and 22, 1790. (Id., 216 and 225.)

<sup>b</sup> See Am. Hist. Rev., VII, 720.

<sup>c</sup> Short to Jefferson, Paris, October 21, 1790. (MSS. Dept. of State, Washington, Dispatches, France, Vol. II.)

<sup>d</sup> Humphreys to the Secretary of State, Madrid, January 3, 1791. (Ford, *The United States and Spain in 1790*, 32.) It seems that very little news from Carmichael had been received, and that the Government at New York had become impatient at his dilatory conduct. He must have received a severe reprimand from Jefferson, if one can judge from his reply of January 24, 1791 (Id., 37). It begins: "Sir: Colonel Humphreys delivered to me your letter of the 6th of August on the 18th of last month. Nothing could equal my astonishment at finding that I have been employing my time in a situation that has been for many years disagreeable—so little to my own credit or to the satisfaction of my country." The rest of the letter indicates that his dispatches had miscarried. He attributed the fact to personal enemies. He said that he was sending copies of some of his last dispatches.

This letter from Carmichael and that from Humphreys referred to above make interesting comments on the court intrigues in Spain—the dominance of the Queen's corrupt influence and the decline of Floridablanca's prestige.

have profoundly altered the subsequent development of the United States. They show also that the attitude of the United States was looked upon as of considerable importance, and influenced to a certain extent the counsels of both of the contending parties. Incidentally it is seen that the controversy afforded an opportunity for expressions of the attitude of the American Government toward encroachment of European nations on American soil. In the above quotations from Jefferson's letters may be found a very good statement of the principles that later became known as the Monroe Doctrine.

## CHAPTER XI.

### THE NATIONAL ASSEMBLY AND THE FAMILY COMPACT—EFFECT ON THE NEGOTIATION.

The decree of the National Assembly, in May, ordering the armament of 14 vessels of the line has been studied in a former chapter. Attention was there called to the fact that this step was taken before Spain had made a formal demand for assistance under the family compact. It was also noted that the formal demand was made in the middle of June, but that the King, fearing the consequences, had delayed laying the matter before the Assembly.<sup>a</sup> On August 2, more than six weeks later, a letter from Montmorin informed the Assembly that Spain had demanded in the most positive manner the execution of treaties in case the negotiation with England did not turn out as desired. The King, hoping for a speedy settlement, had thought it wise to defer provoking a discussion of the matter in the National Assembly; but in view of the continued preparations of England he could delay no longer. Therefore he had charged the writer to warn the Assembly and thought that it would be prudent to increase the French armament. He laid before the Assembly the letter of the Spanish ambassador of June 16, with copies of the letters and documents accompanying it, recounting the history of the dispute and the negotiations to the time when it was written. The minister asked the Assembly to deliberate on the demand of the Court of Madrid. All of the documents were referred to the diplomatic committee.<sup>b</sup>

On the next day, August 3, another letter from Montmorin notified the Assembly that a courier from Madrid had brought news of the signature of a declaration and counter declaration that gave hope of an amicable settlement. Great applause greeted the announcement. The letter and dec-

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<sup>a</sup> See Chapter VIII.

<sup>b</sup> Arch. Parl., August 2, 1790. (Muriel, *Historia de Carlos IV*, I, 122, mentions this letter of June 16.)

larations were referred to the diplomatic committee. Dupont de Nemours then announced that he had some observations to present on the treaty with Spain known as the "family compact;" but to save the valuable time of the Assembly he would bring them to the attention of the Deputies by having them printed. Another Deputy announced that he also would present some remarks on the Spanish demand in the same manner.

Dupont, in his observations on the treaty, first announced the principles on which he proposed to examine it. It had been made, he said, thirty years before, when political philosophy had made scarcely any progress. It was antiquated and inconsistent in some respects, but these defects did not prevent its being just and salutary in principle. Some, he said, wished to break the treaty and abandon our allies, but reason, common sense, and honor point to the contrary—that we should confirm it. He declared that defensive and commercial arrangements ought to be kept, but anything involving offensive warfare ought to be struck out. He thought that it ought to be so modified that instead of a family it would be a national compact. Wherever the word "crown" occurred he would substitute the word "nation," and instead of "the Kings agree," etc., he would have it read "the nations (through their Kings)." He examined the treaty article by article and measured each by these standards. Most of the stipulations he would preserve, with slight modifications; a few he would strike out entirely. The stipulation which provided that the mere requisition should be sufficient to establish the obligation of the nation called upon to furnish the aid was wholly untenable, he declared. The need should be first established, and the nation called upon should have the right of judging. Instead of limiting the alliance to the House of Bourbon, he thought that all nations having similar sentiments ought to be admitted.

The other Deputy, who presented the observations on the Spanish demand, declared that Spain had been a faithful ally. She had taken up a failing cause in 1761 and shared in the unhappy sacrifices of two years later. She had aided in the American Revolution and had prepared to assist in

the trouble with the Netherlands in 1787. Gratitude would command France to reciprocate; but he wished to appeal to reason and not to sentiment. Spain and France were natural allies because of common interests. The treaty of 1761, no longer a family but a national compact, offered many advantages. Spain was still the most important outlet for French commerce. France had profited more from the alliance than Spain, hence was indebted to her. The financial embarrassment at the time was serious, and a war would be dangerous, but even this ought not to cause France to sacrifice honor. He thought that the armaments ought to be continued and all the forces of France ought to be offered to Spain. If this should be done, England would probably give way. The war, if it should come, ought to have the support of all France and be waged on new and noble principles.\*

It was more than three weeks before the diplomatic committee was ready to report. The principal member of the committee was Mirabeau. He was spokesman when the report was presented to the Assembly on August 25. He began by saying that the peace was not likely to be disturbed; that the territory in dispute between Spain and England belonged to neither, but to the natives; that it was not worth the loss of blood and treasure; that France, because of internal conditions, ought to avoid war; and that there would soon be universal peace and no need of allies. After giving these pacific assurances, he admitted that France ought to change her political principles, but declared that this ought not to be done suddenly. She could not remain isolated from the world. The suspension of treaties would be perilous. All treaties made by the King ought to be observed by the nation until they were annulled or changed. He recited the history of Spain's faithful observance of the family compact; then asked whether it would be right for France to annul such a solemn engagement at a time when Spain was threatened by the same danger that she had three times ward off from France. In view of the great English arma-

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\* Arch. Parl., August 3, 1790. The observations of the two Deputies are appended to the minutes of the session. The one who presented the latter report was Le Couteux de Canteleu, Deputy from Rouen.

ment, self-interest obliged France to strengthen her alliance with Spain. That would require a faithful observance of the treaty. If England did not really desire war, but was arming simply to conduct the negotiation more favorably, increasing the French armament would doubtless delay the result. But if the abandonment of French engagements should force Spain to make peace with England more promptly, a great wrong would be done to French credit and French commerce. If England desired war, then France ought to support Spain with all her resources. For if England should force Spain to succumb, France would be the next object of her ambition and vengeance. It was not proposed, he said, to ratify the compact as a whole, but only the defensive and commercial stipulations. He proposed to notify the King of Spain that the alliance would be preserved, and at the same time to refer the treaty to a committee for revision, after which it should be renewed.

The King of France was to open negotiations with the King of Spain at once for this purpose. He also proposed that the fleet be raised to 30 ships of the line, with a proportionate number of smaller vessels. After a few short favorable addresses on the report the discussion was postponed to the next day.\*

When the discussion was resumed on August 26 the report met with very little opposition. There was a futile attempt, led by Pétion, to postpone the decision until further information might be obtained. L'Abbé Maury favored confirming the treaty as it stood, declaring, rightly as events proved, that it would give England a great advantage to leave the alliance so indefinite. Ricard considered 30 vessels too small an armament and proposed increasing it to 45. Others favored his idea and Mirabeau embodied it in his report. With this modification, the decrees proposed were unanimously adopted by the Assembly. The essential points were: First, defensive and commercial arrangements with Spain were to be observed; secondly, negotiations were to be opened with Spain for the purpose of renewing and perpetuating the alliance; thirdly, the armament should be raised to 45

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\*Arch. Parl., August 25, 1790; Miles, W. A., Correspondence, I, 167.

ships of the line, with a proportionate number of smaller vessels.<sup>a</sup>

On August 30 Montmorin informed the Assembly that the King had sanctioned the decrees and would proceed at once to carry them out. The minister for marine, he said, had already received orders for the armament. Only 16 vessels would be fitted out at once, which, added to the 14 already armed, would make 30. Preparations would be made to complete the armament to 45 if that should become necessary.<sup>b</sup> On September 1 Montmorin replied to Fernan Nuñez's letter of June 16. He told of the action of the Assembly and inclosed a copy of the decrees. The King, he said, was taking steps to carry them out. The reason that only 30 ships instead of 45 would be armed immediately was to avoid the appearance of hostility to England. The French King hoped for a peaceful settlement and reciprocal disarmament.<sup>c</sup>

To one who did not scrutinize the decrees closely the action of the Assembly seemed to be all that Spain could desire. If the support had been tardy, yet it was enthusiastic. It seems that at heart most of the Assembly really desired to support Spain and thought that they were doing all that could be expected; but their irrepressible tendency to theorize blinded them to the practical. Apparently they did not realize that their proposal to modify the treaty at such a critical time nullified it as far as any immediate assistance under it was concerned. It seems possible that if Mirabeau had stood firmly for ratifying the treaty as it was he might still have carried the Assembly with him.<sup>d</sup>

<sup>a</sup> Id., August 26, 1790. Muriel, *Historia de Carlos IV*, 123-126, discusses Mirabeau's report of August 25 and the decree of August 26. Cambridge Modern History VIII, 189, 190, discusses the decree briefly. The latter reference says, "It is stated on the authority of Miles that Mirabeau received from the Spanish minister a thousand louis d'or for this service." See also *Mémoires de Mirabeau*, VIII, 36; Loménie, *Les Mirabeau*, V, 269; and *Correspondence Entre Mirabeau et La Marck*, II, 147.

<sup>b</sup> Montmorin to the president of the Assembly, August 30, 1790. (MS. Arch. Hist. Nacional, Madrid, Sec. Estado, 4038.) On October 10 the Assembly appropriated 5,000,000 livres to defray the expense of the armament. (See Arch. Parl., October 10, 1790.)

<sup>c</sup> Montmorin to Fernan Nuñez, September 1, 1790. (MS. Arch. Hist. Nacional, Madrid, Sec. Estado, 4038.)

<sup>d</sup> Oscar Browning, *Cambridge Modern History*, VIII, 290, says that "On June 23, 1790, he had notified the Court that if they wished to give effect to the family compact they must get it altered in form, as the nation would never support an agreement which was purely dynastic in shape."

The French Government was anxious regarding the effect that the action of the Assembly might have on England. The French view of England's conduct was well expressed in a letter from Montmorin to Luzerne, the ambassador from France to the English Court. After remarking that the British Court would probably be astonished at the decrees, he explained that the step was necessary to sustain the honor of France. It had not been taken precipitately, he said, but had been delayed as long as possible, even provoking complaints from Spain. When it was learned that Spain had given satisfaction to England, and still the latter refused to disarm, the French Government was compelled to suppose that the British Cabinet had some ulterior purpose and was not certain that it did not concern France. Either England did not wish to terminate the Nootka affair justly or she had other objects, for which this was to furnish a stepping-stone. If it was a question of Spain, France was interested in saving her ally; if the French themselves were concerned, argument was unnecessary. Luzerne was to use these arguments with Leeds and Pitt. He was also to use confidentially the fact that the Assembly had decreed a larger armament than the Government had asked. This, Montmorin remarked, ought to make an impression. Luzerne might again suggest French intervention, but with much circumspection, since it had been refused before.<sup>a</sup> On the day after writing the above private instructions for the ambassador, Montmorin asked him to assure the English King that the armaments were purely precautionary and had no object except those designated by the Assembly. The French King hoped for a peaceable settlement. He had been pleased with the declaration and counter-declaration, but would have been more pleased if a proportionate disarmament had followed, or at least an agreement not to increase the armaments.<sup>b</sup>

Gower, the British ambassador at Paris, had promptly expressed to Montmorin his surprise at the action of the Assembly. He reported on August 27 to his Government that Montmorin was surprised also, and had told him that orders would be given to commission more ships, "but that

<sup>a</sup> Montmorin to Luzerne, August 27, 1790. (MS. Arch. Hist. Nacional, Madrid, Sec. Estado, 4038.)

<sup>b</sup> Same to same, August 28, 1790. (Id.)



it would be done (this he said in the utmost confidence) *avec le plus grande lenteur.*"<sup>a</sup> A dispatch of the next day hinted that Spanish money might have influenced the Assembly.<sup>b</sup> On September 1 instructions were sent from London telling Gower to renew the English assurances of friendliness for France, but to observe that it would be impossible for the harmony to continue if France should support Spain. He was to represent that any aid or encouragement to Spain would be a cause of umbrage to England, since it would make a just settlement more difficult.<sup>c</sup> On September 4 Gower presented a memorial demanding an explanation of the armament.<sup>d</sup> Montmorin's letter to Luzerne of August 28, referred to above, was presented to the English Court on September 7.<sup>e</sup> On September 10, in reply to Gower's of the 4th, Montmorin referred the English Court to a letter written September 9 to Luzerne, which the latter would present. For some reason Luzerne delayed handing this to the British Court, and on September 21 Gower was instructed to demand a formal reply to his memorial. When this demand reached Paris, Montmorin was out of the city. Having returned, he answered, October 4, that he did not understand Luzerne's delay. He declared that France had no wish to influence the negotiations, but in case the matter could not be amicably settled she might be compelled to support Spain. Before this reached London Gower had been instructed to demand that the French fleet make no move to join the Spanish. On October 14 Montmorin agreed that no movement should be made until England should have received a reply from Spain to the ultimatum which the British Court had sent a few days before.<sup>f</sup> Hugh Elliot was sent secretly as a special English agent to argue with the French Court against supporting Spain. He met members of the diplomatic committee and thought, at least, that he had converted them to the English view. W. A. Miles coöperated with Elliot in this undertaking. Only obscure and

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<sup>a</sup> Gower, Despatches, 26.

<sup>b</sup> *Id.*, 28.

<sup>c</sup> Narrative of the Negotiations between England and Spain, 204.

<sup>d</sup> Gower to the French Court, September 4, 1790. (MS. Arch. Hist. Nacional, Madrid, Sec. Estado, 4038.)

<sup>e</sup> Narrative of the Negotiations between England and Spain, 218.

<sup>f</sup> *Id.*, 220, 221, 223, 226, 230, 232.

mysterious references to their mission are extant, and many curious speculations have been made concerning it.<sup>a</sup>

Before news reached Madrid of the action of the National Assembly negotiations had begun for a final settlement of the Nootka question.

The declaration and counter declaration signed late in July had been accepted by England as affording the satisfaction demanded. This had opened the way for a pacific discussion of the respective rights to Nootka and the neighboring coast.<sup>b</sup> On September 8 Fitzherbert presented to Floridablanca the first projet of a treaty. It had been formulated in London three weeks earlier and had been sent with instructions to the British ambassador. These instructions declared it to be the purpose of the British Government to avoid requiring Spain to make any mortifying renunciation of rights, but at the same time the stipulations were to be so worded that they would not imply an admission of the Spanish claims by the British Government. It was impossible for His Majesty to recognize them, either directly or indirectly. They were merely a matter of pride with Spain, it was said, and were really a source of weakness rather than of strength.<sup>c</sup>

When Fitzherbert submitted the projet he inclosed with it extended observations on each article. The preamble, as it had been worded by the British ambassador, declared a

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<sup>a</sup> Stanhope, *Life of Pitt*, II, 56, 59; Hassal, *The French People*, 352; Cambridge Modern History, VIII, 291; Adams, E. D., *The Influence of Grenville on Pitt's Foreign Policy*, 8, 9; Miles, W. A., *Correspondence on the French Revolution*, I, 170, 176, 178; and George III to Pitt, October 26, 1790, *Smith MSS.* (*Hist. MSS. Com.*, report 12, appendix 9, p. 368.) The last two are the sources. The last is quoted by Adams and by the Cambridge Modern History.

<sup>b</sup> See Chapter IX. Early in August, letters from Colnett had reached London by way of Fitzherbert at Madrid. These told of his detention in Mexico and of his release. Their influence on the negotiations was only indirect. (See Narrative, 166.)

In the instructions sent from London on August 17, Fitzherbert was asked to take up with the Spanish Court the matter of the liberation of the Chinese which were captured at Nootka. In the same instructions negotiations concerning a dispute over regulations for governing British subjects in the Honduras settlement were turned over to Fitzherbert. These had been in progress between Campo and Leeds at London in February, when the first Spanish note on the Nootka affair was handed to Leeds. The British Court immediately suspended all other discussions until Spain should have offered satisfaction for the insult which they felt that the British flag had suffered. The declarations of July 24 had been accepted as affording such, and consequently the usual diplomatic relations had been resumed. (See Narrative, 201, 203.)

<sup>c</sup> Narrative, 168 ff.

desire to form a convention which would settle the present differences and avoid such disputes for the future. On this he observed that the Court of London thought that would be the best means of settlement which, without formally pronouncing on the opposing pretensions, should regulate the respective positions of the two Crowns for the future. If British subjects could be assured of the free exercise of their rights in the Pacific, the English King would not be reluctant to establish all possible rules to prevent illicit commerce with Spanish possessions. The Court of London was persuaded that a Cabinet so wise as that of Spain could not seriously have advanced such vast pretensions.

The first article declared that British subjects should be replaced in possession of the ships and lands of which they had been deprived at Nootka by a Spanish officer toward the month of April, 1789.\* The observations on this gave the English arguments against the claim of Spain to exclusive dominion over the coasts in question. The English Court could not admit the justice of an exclusive sovereignty over so vast a coast, which since its discovery had without interruption been frequented by British subjects and by those of other nations as well. Spain claimed only as far as the sixty-first degree, conceding to Russia the portion beyond. Fitzherbert insisted, with a good deal of sagacity, that the very principle of this division demonstrated the inadmissibility of the Spanish pretension. If Russia had acquired rights to the coast beyond the sixty-first degree in virtue of the establishments which her subjects had formed there, how, he asked, could other nations be denied the opportunity of making establishments in like manner on the parts of the coast situated below this degree and not already occupied? As to the Spanish claim to priority of discovery, he implied that it could be disproved, though he did not disprove it. However, he insisted that discovery alone, without being followed up by actual occupation, could not be admitted as furnishing a right to possession which could operate to the exclusion of other

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\* An error in the month, as pointed out formerly. Martinez did not arrive at Nootka until May 5. (See Chapter IV, ante.) This error was embodied in the final treaty.

nations. England did not claim exclusive jurisdiction, he said. What she wished was a reciprocal assurance of free access for both nations to the new establishments formed or to be formed by the one or the other.

The second article, in keeping with the statement just made, declared that between certain limits, to be named later, the subjects of both Crowns should exercise their commerce without hindrance in the establishments of either.

The third article declared that England would employ efficient means to prevent such access being made a pretext for illicit commerce with Spanish colonies. With this in view it was stipulated that between certain limits, to be named later, British subjects should make no establishments, and that they should not approach within a certain distance of the coast between these limits. Fitzherbert observed that the purpose of this was to assure to Spain the rights of domain over all places in actual possession of her subjects. It was desired to make this as favorable to the Spanish pretensions as possible. He proposed as the northern limit of Spanish exclusive dominion the thirty-first degree. This would have left to Spain not quite all of Lower California. He suggested that the boundary should run east on this degree to the Colorado River, follow that river to its source, and then run northeast to the nearest point on the Missouri. Spain should have exclusive dominion of the coast from the above-mentioned parallel southward to within about 10° of Cape Horn. In his private instructions Fitzherbert was authorized to yield a little if necessary. He might accept as the northern limit the fortieth parallel from the Pacific to the Missouri. He thought that the distance within which British ships should not approach ought to be 5 leagues. On this point his private instructions allowed him to yield to 8 or even 10 leagues.

The fourth article provided that everywhere else in the Pacific the subjects of both Crowns should enjoy freedom of navigation and fishery, with the privilege of landing on the coasts to trade with the natives or form establishments in unoccupied places. It was thought, he said, that this would be the best way to prevent injurious competition in making settlements. This principle was to be applied to

the Nootka settlement also, when that should have been returned to Great Britain. On this, he said, no further observations were necessary. It was a natural consequence of the foregoing stipulations. This would have meant, had it been conceded, that England and Spain would have had equal rights to all of the coast north of Lower California. The fifth article referred to making establishments in South America, and was not considered essential by the British Cabinet. The sixth referred to the exchange of ratifications.\*

Soon after the presentation of this projet the action of the French Assembly became known at Madrid, and its influence must next be considered.

A letter from Madrid of September 10 to the "Gazette de Leide" told that a courier had just arrived from Paris with the news that a decree had been rendered by the National Assembly for a provisional maintenance of the family compact and for increasing the armament. This had greatly decreased the inquietude over the English demands. A rumor had arisen that these demands would overthrow many of the long-established principles of Spain, for they were based on English pretensions to a right of free navigation and commerce in the South Sea and on the western coast of America. The expectation of such powerful aid had produced an agreeable sensation.<sup>b</sup> This was the effect on the popular mind.

Its influence on Floridablanca was very different. In submitting to a council of the principal ministers of state the English projet of a treaty studied above, he said that it was advisable to consider first the relations of Spain with the principal courts of Europe. He began with France. In referring to the portion of the decree that limited the treaty to "defensive and commercial arrangements," he remarked that this expression was capable of many interpretations and equivocations. He noticed further that even the declaration for this partial maintenance of the treaty was made subor-

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\* Fitzherbert to Floridablanca, inclosing projet with observations, September 8, 1790. (MS. Arch. Hist. Nacional, Madrid, Sec. Estado, 4291.) The private instructions of Leeds to Fitzherbert are to be found in the Narrative, 168-192.

<sup>b</sup> Gazette de Leide, October 1, 1790.

dinate to the expression "taking all proper precautions to preserve the peace." If, he declared, the deciding on what were proper precautions be left to the Assembly, composed of so many members and with such extraordinary ideas, there was no hope that their decision would accord with Spain's ideas of preserving the peace. That body might not consider the Nootka dispute a *casus fœderis*. It might decide that Spain was to blame, or that she had motives of aggression, or that she had not admitted all of the means of conciliation proposed by England. The desire of the Assembly to negotiate a new treaty on national lines was ominous, he said. They, of course, wished to modify or explain the old. This new system of the sovereignty of the nation might present difficulties. The body asserting it, the National Assembly, was itself a usurper. Referring to the provision for arming 45 ships of the line, he called attention to the fact that the reason assigned was not that of supporting Spain. The decree declared that the armament was in consideration of the armaments of various nations of Europe, and was for the security of French commerce and French colonial possessions. Finally, he declared, even if the Assembly really wished to aid Spain it was doubtful whether it could do so, on account of the lack of funds and on account of the disorders of the country. If aid should be sent, the insubordination of the French sailors would be in danger of contaminating the Spanish and would impede their own usefulness. He concluded that there was very little hope of aid. Only in case that England attacked France would there be any reasonable hope of assistance.

After discussing the unhappy relations with France, the minister took up each of the other nations in turn. Prussia and the Netherlands were allies of England, so must be counted as enemies. Of the small States, the Courts of Lisbon, Naples, and Turin could be counted on as friendly neutrals. All that could be hoped for from Turkey, Tripoli, and Algiers was that they would not injure Spain; but not so with Tunis and Morocco, which were actually threatening and were probably being reckoned on by England. The Court of Vienna was not open to new enterprises of war or new alliances. Sweden would not be a safe ally, and besides would demand a subsidy. Denmark

also would have to be subsidized, and then would join only in case that Russia entered also. The latter was already engaged in war with Sweden<sup>a</sup> and Turkey, and was being menaced by England and Prussia. In the absence of money and support she would have to yield. If Spain had a full treasury to open to Russia and would enter a war against England, engaging her Baltic fleet, there was no doubt that Catherine II would form an alliance. But Spain had not the treasury and was not in a position to undertake a war for the benefit of Russia. If, however, Spain could not honorably avoid war and should be attacked, some arrangement with Russia for reciprocal aid would be useful. Steps had been taken with that in view, but nothing definite had been done. The United States would be useful allies, since they could harass English commerce and threaten Canada. They had been sounded and seemed not unfavorable. But they would desire the navigation of the Mississippi, which would open to them a door for contraband trade with Mexico. And besides this they might in the end be enabled to insist on the boundary of Florida which they had unjustly arranged with England, usurping a large part from Spain.

After considering the foreign relations of Spain, Florida-blanca reminded the ministers that they ought also to reflect on internal affairs—the army, the navy, the treasury, and economic conditions. The army was weak, he said, but could soon be increased as much as would be necessary in a maritime war. The navy was well equipped at the time, but provision would have to be made for reinforcements and supplies. All of this would occasion much expense, and the treasury was scarcely sufficient for peace. It would be necessary to have recourse to credit. Bad harvests and weak administration of justice, he said, had increased the cost of provisions. New taxes could not be imposed without causing resistance, especially in view of the evil example of France.

These reflections on the conditions of Spain at home and abroad, the Count said, would have to be kept in mind in considering the plan for a convention which England had

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<sup>a</sup> Peace had been concluded between Sweden and Russia on August 15, but the news had probably not reached Madrid when the Count prepared this paper. See Lecky, *England in the Eighteenth Century*, V, 271.

proposed. On the other hand, they must not lose sight of the loss that would be caused to the rights of Spain in the two Americas. They must remember the danger to Spanish commerce and navigation and to the quietude of the colonial establishments. They must also consider the evil example that would be given to other nations by a concession to Great Britain, as well as "the incentive to England to increase her pretensions and exact other condescensions if we enter easily into the first."<sup>a</sup> From these reflections it is evident that Floridablanca had decided to yield to England, but with at least a show of resistance.

Such a communication from the prime minister to the Council of State would lead one to infer that the Spanish Court was about to desert the French alliance, and was willing to sacrifice something for the friendship of England. But if this is only an inference the communications with the English ambassador at about the same time leave no doubt of the fact. At a conference on September 13 Floridablanca declared to Fitzherbert that His Catholic Majesty regarded the National Assembly with the utmost horror. He was extremely averse to adopting the kind of treaty proposed by that body. He feared for the influence on his own authority that a recognition of the French Assembly would have. If, however, England should press too hardly in the present conjuncture, the Count declared, Spain would be compelled to accept the alliance of France on any condition. But if an accommodation could be speedily arranged, His Catholic Majesty intended to reject the treaty proposed by the French Assembly and to establish an intimate concert and union with England. The Count informed the British ambassador that he had submitted the latter's projet and observations to the Council of State. That body had decided that it would be necessary to send to America in order to locate definitely the northern and southern limits of the Spanish settlements as proposed. Since this would delay the settlement of the Nootka affair, he suggested the immediate conclusion of a preliminary agreement, which would secure to

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<sup>a</sup> Floridablanca to the principal ministers, September, 1790. (MS. Arch. Hist. Nacional, Madrid, Sec. Estado, 4291.) The same is published in Calvo, *Recueil Complet des Traités de l'Amérique Latine*, III, 350-355; also in Cantillo, *Tratados de Paz y Comercio*, 630.



Great Britain by general, but sufficient, stipulations, the objects that she had in view. This would put a stop to the armaments, give time to arrange a system of union between Spain and England, and allow His Catholic Majesty to disengage himself entirely from France.<sup>a</sup>

At this conference, on September 13, Floridablanca had said that he would present a plan for the temporary settlement which he had suggested. Fitzherbert had found it best in his dealings with the Spanish Court to be first on the ground. Consequently on the following day he sent to the Count a projet for the proposed temporary agreement. On the same evening Floridablanca presented his plan in the form of a counter-projet. The next day, September 15, they held another conference to consider the plans. The English ambassador labored in vain to induce the Spanish minister to admit some alterations in the latter's plan, so that it would be acceptable to the British Court. The Count insisted that he had conceded all that his colleagues and the King would allow him to grant. He earnestly requested Fitzherbert to transmit it to the Duke of Leeds in its existing form. He felt confident that the terms would be accepted by the Court of London. As a means of shortening by some weeks the continuance of the present expensive armaments, he would send instructions authorizing Campo, the Spanish ambassador at London, to sign it in case His Britannic Majesty should approve it.<sup>b</sup> Since neither of these plans was accepted, it is not necessary to study their terms in detail.

This shows the influence that the action of the French Assembly had on the relations of the three countries. In view of it, Spain despaired of getting any assistance from France, and, further, it promised to be the occasion for a rearrangement of alliances, Spain breaking the traditional union with France and arranging an intimate alliance with England.<sup>c</sup>

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<sup>a</sup> Narrative, 242-245.

<sup>b</sup> Id., 247-256. A manuscript copy of Fitzherbert's projet and Floridablanca's counter-projet is to be found in the Arch. Hist. Nacional, Madrid, Sec. Estado, 4291.

<sup>c</sup> Cambridge Modern History, VIII, 189, says of the Spaniards: "Feeling how vain it was to trust an ally of this kind, they preferred to make terms with their enemy."

## CHAPTER XII.

### ENGLISH ULTIMATUM—SPANISH DEFIANCE.

In the middle of October the "Gazette de Leide" printed a letter from Madrid, dated September 24, saying:

We are assured that the negotiation with England is in a good way and is about to terminate in a friendly manner.<sup>a</sup>

This was written a few days after the Spanish Court had decided to abandon the family compact and form an intimate alliance with England as studied in the last chapter. The next issue of the same paper printed a letter from London, dated October 12, which had a very different tone:

The warlike appearances have greatly increased in the last eight days. The next dispatches from Fitzherbert, replying to the last English demand, will probably decide for peace or war. On our side all preparations for a rupture have already been made.<sup>b</sup>

This was written a fortnight after news had reached London of Spain's proposed change. Instead of receiving the friendly advances of the Spanish Court in the spirit in which Floridablanca hoped, and apparently expected, the Court of St. James accepted them as an announcement that the French alliance had failed, and an acknowledgment that Spain was at the mercy of England. This is really what they meant. Instead of following Spain's example and giving up some of her pretensions, England took advantage of Spanish helplessness and gave Spain ten days to decide whether she would accept war in the face of almost insurmountable difficulties, or peace with humiliating concessions. Much discontent had arisen in England at the length to which the negotiation was being drawn out. It was considered inconsistent with the decisive tone at the beginning. The object to be gained was thought to be hardly worth such an expensive armament continued for so many months.

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<sup>a</sup> Gazette de Leide, October 15, 1790.

<sup>b</sup> Id., October 19.

The ministry was being severely criticised, and felt the necessity of forcing a decision.<sup>a</sup>

Although feeling keenly the criticism of the armament, yet the Government was unwilling to disarm until Spain should have yielded. On September 10, in consequence of the repeated requests from Spain for a mutual disarmament, Leeds directed Fitzherbert to represent to Floridablanca that, with every wish for an amicable adjustment, it did not appear to the British Government expedient to disarm until such adjustment should be secured.<sup>b</sup> For the same reason the ministry was unwilling to accept any temporary arrangement, such as Floridablanca had suggested, which would postpone the final settlement to a later date. Consequently, on October 2 two drafts of a treaty were sent to Fitzherbert. They contained substantially the same terms except that one provided for the definite demarkation of the limits of Spanish exclusive sovereignty, and the other did not. These embodied Great Britain's ultimatum. Fitzherbert was to give the Spanish Court ten days in which to decide on an answer. If at the end of that time an answer had not been received the ambassador was to quit Madrid.

After sending the ultimatum the British Court redoubled its energies in preparing for war. One is almost led to believe, from the vigor displayed, that war was desired and that the ultimatum was prepared with the deliberate intention of forcing a breach. In a letter of October 22 Leeds asked Auckland, the British ambassador at The Hague, to communicate to the Government of the Republic the probability of a rupture. He expected in a few days to send copies of all the correspondence relating to the discussion that Auckland might lay them before the Dutch Government. Although it might happen, he said, that England would be obliged to commence the hostilities, yet he had no doubt that every circumstance would convince mankind that "Great Britain was not the aggressor in the war which may, in a few days, disturb the general tranquillity." After speaking of the cordiality of the Dutch Government, he continued:

It will also, I trust, be understood in Holland how material it is to enable us to act with vigor in the outset. I therefore hope that there

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<sup>a</sup> Dundas to Grenville, September 27, 1790. (Fortescue MSS., I, 607.)

<sup>b</sup> Leeds to Fitzherbert, September 10, 1790. (Narrative, 240.)

will be no difficulty in furnishing some naval succors before the expiration of the two months stipulated. It would be to be wished, if possible, that a detachment be sent immediately on the news of hostilities, and that it should amount to 8 ships of the line and 8 frigates. If, however, so much can not be obtained, even a less number will be a material object.<sup>a</sup>

A notion of the popular view of the impending war may be gleaned from a letter written by Storer to Auckland on the same day that the secretary for foreign affairs wrote the one just studied. Storer said that all of the officers were in high spirits at the prospect of a voyage to Mexico. He thought that the Nootka affair was merely a pretext for a war that had been previously determined upon. He said:

Pitt is tired of peace. He bullied France so effectually three years ago<sup>b</sup> that he is determined to try the same thing with Spain.

He thought that the negotiators themselves did not know what would happen.<sup>c</sup> If the British ministers were not actually trying to force a war, it is, at least, evident that they were willing to accept it should it come; and that they were not willing to make any considerable concessions to preserve peace.

The ultimatum, with instructions for his private guidance, reached Fitzherbert October 12. He was told that Floridablanca's proposal for a temporary agreement was not admissible since it would leave the matter open to a subsequent discussion. It was important that it should be settled at once. If Floridablanca's proposal had not been accompanied by assurances that indicated a sincere desire for accommodation with England, it would have been doubtful, he was told, whether anything could have been hoped from a further continuance of the negotiation. The prospect for a speedy settlement and the chance for dissolving the family compact compensated largely for the inconvenience of further delay, but that delay could be only for a few days. The Count's committing himself on points of so much delicacy indicated that the Spanish Court had determined to go a considerable length. His language respecting France was

<sup>a</sup> Leeds to Auckland, October 22, 1790. (Brit. Mus., MSS. 34433, f° 349.)

<sup>b</sup> In detaching the Netherlands from the French alliance and uniting them to England and Prussia by the triple alliance.

<sup>c</sup> Storer to Auckland, October 22, 1790. (Auckland, Correspondence, II, 373.)

consistent with his character. The temporary arrangement proposed by him admitted the British claims in general terms, but the indefiniteness of its terms would leave ground for disputes. Fitzherbert was to remind the Count that he had, in principle, admitted the justice of the British claims. The present articles, he was told, did no more than to secure definitely those rights. Their rejection would be considered as a proof either that Spain was not sincerely desirous of an accommodation or that she was unwilling to grant distinctly the security which the Spanish minister had argued to be in fact contained in the articles which he had suggested. The question as to security of navigation, commerce, and fisheries in that part of the world depended on whether Spain did or did not insist on her exclusive claim to the continent in question and the seas adjacent. This could be decided as well at one time as another. The question of restitution should depend on whether Spain rested her case on her pretended exclusive sovereignty or prior discovery, or whether she could prove that she had actual occupation of Nootka prior to the time when lands were purchased and buildings erected there by British subjects.\* The only matter that could afford an excuse for delay was the determination of limits. Such an article would seem to be desirable to both sides, but His Britannic Majesty would not object seriously to the omission of such demarkation. The great expense of maintaining the armament ready for service and the just expectations of the public could not admit of further delay in coming to a decision on the question of peace or war. Fitzherbert was to communicate this fact to Floridablanca in the least offensive but the most explicit manner possible. Ten days was considered a sufficient time for the Spanish answer.

On the question of disarming in the event of an amicable settlement, Leeds suggested that mutual confidence would be a stronger security than any formal stipulations. England did not wish to reduce to a peace establishment at once, on account of the French armament and because of the fact that

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\* This shows that the British Ministry was resting the justice of its cause on the purchase of land which Meares claimed that he had made at Nootka on his arrival in 1788, and on the temporary hut which he had erected to shelter workmen while they were building his little vessel, the *North-West America*. (See Chapter II.)

Russia seemed unwilling to adopt a moderate policy toward Turkey. It was incumbent on the allies to prevent the dismemberment of Turkey.<sup>a</sup>

On October 13, the next day after receiving the above instructions and the projets of a convention accompanying them, Fitzherbert had a conference with the Spanish minister, at which the latter's language led the former to doubt the possibility of an amicable settlement. At an interview on the following day the British minister presented parts of the drafts of the ultimatum. The Count's reception of these was so unfavorable that Fitzherbert thought best to warn all of the British consuls in Spain of the prospect of an immediate rupture. He wrote to his home Government that it seemed impossible to obtain a convention with a demarcation of limits. That no means of effecting a pacification might be left untried, Fitzherbert delivered to Floridablanca on October 15 a translation of the entire projet without the demarcation of limits. The Count's reply of the next day was still in terms extremely wide of the English proposals, but it revived Fitzherbert's hopes of engaging the Spanish minister by degrees to accede to His Britannic Majesty's demands.<sup>b</sup>

In this reply of October 16 Floridablanca said that there were considerable difficulties in the way of agreeing to the English projet. He submitted some observations justifying some small but substantial changes which he had suggested. He remarked that the British projet, in demanding that the buildings and lands should be restored to the British subjects, assumed that they had once possessed them. He declared that this assumption was untrue; that the British subjects had only been attempting to make an establishment, from which the Spanish commander had prevented them. If they had ever bought land, as pretended, they had failed to take possession of it.

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<sup>a</sup> Narrative, 257-285. Also, the two drafts are inclosed in Leeds to Auckland, October 8, 1790. (Brit. Mus., MSS. 34433 f° 252.)

With these instructions Fitzherbert was also given orders concerning the case of Captain Macdonald. He was the captain of a vessel that had recently been seized by a Spanish frigate in the West Indies on the ground that she was carrying on contraband trade. Indemnity for this had to be assured before the Nootka matter could be settled. It was easily adjusted. (Narrative, 285.)

<sup>b</sup> Id., 289-291.

Before examining Floridablanca's observations further it may be well to remark that this was the point of fact on which it was impossible for the two Courts to agree. Each relied on the statements made by its own subjects and these statements were conflicting. Meares told of his purchase of land and his erection of a building thereon in 1788 in such a manner as to lead the British Cabinet to believe that he had formed a substantial English settlement, and that the establishment was still there in the spring of 1789 when Martinez arrived. On the other hand, Martinez's account showed that when he arrived at Nootka there were no evidences of any British establishment, but that the expedition under Colnett, which arrived two months later, came to form an establishment. Neither was wholly right nor wholly wrong.<sup>a</sup>

Floridablanca said that it was very difficult and almost impossible for Spain to consent that British subjects should land in unoccupied places to trade with the natives and form establishments. Places without a substantial Spanish occupation, he said, might be found almost anywhere along the coast of America. This clause, he said, ought to be omitted from the projet. Fitzherbert had proposed that British vessels should not approach within 10 leagues of places occupied by Spain. The Count insisted that the distance was too short. Instead of the expression, "occupied by Spain," he would substitute the expression, "belonging to Spain." With his observations the Spanish minister submitted a counter projet which embodied them. In his letter accompanying these documents, Floridablanca said that he had proposed a special junta to consider the English propositions. However, if Fitzherbert would agree to the Spanish counter projet, he would venture to propose it to the King and see if the matter could not be settled before the meeting of the junta.<sup>b</sup>

The Spanish minister had decided that Spain would have to yield to the English demands. He was directing his efforts toward an attempt to induce the British ambassador to modify those demands so that they would give as little

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<sup>a</sup> For a full discussion of these facts, see Chapters II-V.

<sup>b</sup> Floridablanca to Fitzherbert, October 16, 1790, inclosing notes on the English projet, and a Spanish counter projet. (MS. Arch. Hist. Nacional, Madrid, Sec. Estado, 4291.)

offense as possible to Spanish pride. But other Spanish officials were not so ready to yield as the prime minister was.

Fitzherbert did not accept the count's terms. He insisted on the British projet as it stood. The special junta was summoned. It was composed of eight of the principal ministers, not including Floridablanca. The order naming the members was dated October 19. The next day a note requested them to hasten, for the ambassador was very urgent. Sessions were held on the 21st, 22d, 24th, and 25th. The English projet was examined article by article.

The findings of the junta furnish an excellent notion of the feeling of Spaniards respecting the dispute. It was declared that Martinez's conduct at Nootka had not been contrary to international law nor an insult to the English flag. What he had done was to prevent the forming of an establishment in a place belonging to the Spanish dominions, in which, by virtue of treaties made before all Europe and guaranteed by England herself, no foreign disembarkation was permitted without a just motive, and much less the forming of military or commercial establishments. Even granting that the proceedings of Martinez had been culpable, and, by a distortion of ideas, that the resistance to a usurpation could be considered an insult, Spain had already given England such satisfaction as was compatible with her dignity. The increasing of the British pretensions while the Spanish were being moderated showed that the Nootka affair was only a mask to cover England's hostile designs of taking advantage of the revolution in France to attack the divided House of Bourbon.

Referring to a clause in the British projet providing for the return of any vessels that might have been seized since April, 1789, the conclusions of the junta declared that this showed England's design of sending new expeditions. They would not limit themselves to fisheries nor to trading with the natives. They intended to form fortified establishments and construct vessels there to carry on trade with all of New Spain. Their first aggressions would lead to others. The weak and extended Spanish dominions afforded opportunities for their activity. There were many places that



Spain had not been able and probably never would be able to people. The English pretension was the more irritating since it extended also to all the coasts of South America. If Spain should grant their demands she might expect in the end to surrender to them all of the commerce of Peru and New Spain.

The English offer of not allowing their subjects to approach within 10 leagues of any place occupied by Spain was useless, the junta declared, since they demanded the privilege of disembarking in all unoccupied places. By this means they could approach insensibly to those that were occupied. If the Spanish governors should attempt to prevent them, it would lead to disputes and to new negotiations which would afford new opportunities for aggressions. They would finally take all of these countries from Spain.

The English assumption of rights in South America was branded as an infamous artifice. Although Spain had for three centuries been in exclusive and peaceful possession of all South America, the English were now pretending that they had equal rights to unoccupied places. Appealing directly to the King, they said:

Strange, astonishing, unheard-of it is, Señor, that England should dare to pretend that Your Majesty should authorize and adopt a stipulation which prohibits mutually the forming of establishments there as long as the subjects of other powers shall not attempt to do so; adding that the respective subjects shall have the right of disembarking in those places and building huts and other temporary structures for objects connected with their fisheries. \* \* \* The English pretend that all South America is open to all nations, and that its territories shall belong to the first that desires to occupy them.

England, they declared, was now exacting more than she had dared to ask in 1763, when she had so great an advantage. She had forgotten her guaranty in the treaty of Utrecht that Spain's American dominions should be restored as they had been in the reign of King Charles II, and should remain in that condition. If Spain should grant these privileges to England, other nations would claim them under the "most-favored-nation clause" of the same treaty.

The King was asked to consider how his father had resisted England when there was much less at stake and when

the Spanish army and navy were in no better condition. In case of war England's attention, they said, would be directed not against the Peninsula, but against the colonies. Havana Vera Cruz, Cartagena, Porto Rico, Santo Domingo, Trinidad, Caracas, Montevideo, and Buenos Ayres were considered likely points of attack. All of these were declared ready to defend themselves because of their superior garrisons and of climatic and strategic advantages.

Floridablanca had inclosed with other papers for the junta a copy of the observations on Spain's relations to other powers, which he had prepared early in September on receipt of the news of the decree of the National Assembly.\* Because of the frankness shown in other matters the junta said that they were encouraged to volunteer their own observations on this. Speaking of Prussia as England's most powerful ally, they said that her King was not in a position to dictate terms to all of the northern powers, consequently he would have to consider his own defense. In view of this and of the existing state of Turkish affairs they concluded that England's position was not an especially strong one. As to possible support for Spain, they said that France could not be blind to her interests and to her obligations under the family compact. To avoid the evil effects on the Spanish fleet of insubordination in the French navy the two could operate separately. Spain could probably not get any aid from the United States. Neither were they likely to join England. Portugal could not aid except by remaining neutral. There was nothing to ask or expect from Sardinia, Naples, Venice, or Turkey, and the African states ought to give little concern. As to Russia they were more hopeful. They suggested that it would not be impossible for Spain, by offering commercial advantages, to enter an alliance with Russia, Sweden, and Denmark and secure their help against England. They respectfully submitted to the King and his prime minister the idea of a treaty with Russia defining territorial limits on the western coast of America and guaranteeing each other against English aggressions on that coast.

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\* See last chapter.

The junta then offered several observations on the harshness of the English demands. England was offering nothing, they said, in return for the sacrifices demanded of Spain. She had turned a deaf ear to Spain's repeated requests for a reciprocal disarmament, hence there was good reason to fear that she was trying to force a breach. It was plain that she intended to form new establishments in the Spanish dominions. She proposed to deprive Spain of the power of repelling the intrusions which she meditated by allowing no recourse except a report of the matter to the home governments and a new convention in each case. This would mean subjection and a continual state of war. She was inviting other nations to help her despoil Spain. She was insisting on the establishment of a principle which would allow usurpations in every uninhabited place. The whole Spanish dominions would shortly be destroyed. Her demands were as injurious as could be made after the most disgraceful war. If this cession should be made through fear in a time of profound peace, it would encourage still greater claims. Authorized by such a document other nations would form common cause, and the vast continent of the Indies would be exposed to a general occupation. Even in an unfortunate war Spain would only have to come to an understanding with her enemies, and there would be hope for favorable alliances and better terms with less sacrifices.

Finally the junta gave their conclusions as to the answer that should be made to England's ultimatum. The concessions now demanded, they said, would inevitably lead Spain into a war. She would then suffer all that the King now wished to avoid, and England would certainly accept no less afterwards. In case that this projet should be rejected and war should ensue, what treaty, it was asked, could be concluded more absolutely ruinous, even in the remote chance of complete prostration, than the convention which was now proposed? Therefore the junta could not in any manner accept the unjust terms contained in the English ultimatum. They recognized that this would mean war. They advised preparation at once to repel hostile attacks and an immediate

search for allies even before giving a final answer to the English ambassador.<sup>a</sup>

On October 25, the day of the last session of the junta, its conclusions were hurried off to Floridablanca to be laid before the King. Their reception and influence on the negotiation will be studied in the next chapter.<sup>b</sup>

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<sup>a</sup> Conclusions of the junta of eight ministers, of October 21, 22, 24, and 25, 1790. (MSS. Arch. Hist. Nacional, Madrid, Sec. Estado, 4291; a copy is found also in bundle 2848 of the same section.) In the former bundle are also copies of all of the more important papers that had passed between Floridablanca and Fitzherbert since the signing of the declarations on July 24. They were submitted to the junta. In the latter bundle are also the following letters relating to the junta and its sessions: Floridablanca to Iriarte, October 19 and 23; and Iriarte to Floridablanca, October 21, 22, 24, and 25, 1790. Iriarte was secretary for the junta and one of its eight members. He belonged to the council for the Indies.

<sup>b</sup> Duro, *Armada Española*, VII, 16, makes the mistake of saying that a majority of the junta favored the convention, though it met with some opposition. He had evidently not seen the conclusions of the junta, or had not examined them carefully.

## CHAPTER XIII.

### THE NOOTKA SOUND CONVENTION—ITS RECEPTION AND RESULTS.

After submitting the English ultimatum to the extraordinary junta, as studied in the last chapter, Floridablanca continued his conferences with Fitzherbert. He made strenuous efforts to induce the British ambassador to modify the English demands. In the first article, which declared that the buildings and lands on the Northwest Coast should be restored to the British subjects, the Count pressed earnestly for the insertion of the clause, "notwithstanding the exclusive rights which Spain has claimed." This would have been almost tantamount to a recognition of the Spanish claim. Fitzherbert would not consent to it. But since the declarations of July had expressly reserved the discussion of those rights, and since the Spanish minister would not be content without some reference to them in the convention, the British ambassador consented to mention them in the preamble. Consequently, he proposed the insertion of the clause, "laying aside all retrospective discussion of the rights and claims of the two parties." He was very careful to word it so that there would not be in it any admission of the justice of the Spanish claim. After some hesitation the Count accepted it.

In the second article Fitzherbert consented to the omission of one word. The projet had provided that "for all other acts of violence or hostility," etc., reparation should be made. The Count objected to the word "other" as an unnecessary and invidious reference to the action of Martinez at Nootka in 1789, in view of the fact that satisfactory reparation for it had already been made. The British ambassador consented to omit "other." The Spanish minister attempted to limit this reparation to offenses committed "on the said continent and the islands adjacent." Fitzherbert would not agree. This would not have included the violence

recently done to Captain Macdonald in the West Indies, mentioned in the last chapter. England apprehended other similar seizures, and such would not have been unnatural under the strained relations existing between the two countries for so many months.

The last clause of the third article, making the privilege of landing anywhere on the coast subject to the restrictions contained in the following articles, was not in the draft *without* a demarkation of limits which was made the basis of the treaty, but it was in the draft *with* a demarkation of limits. Fitzherbert compromised on this point and combined the two drafts. He admitted a limitation of the privilege without obtaining a definite demarkation of the boundaries of Spanish exclusive sovereignty. If Florida-blanca had not secured this concession, it would have meant that the English could have landed and established colonies in any unoccupied spot on the coast of California, Mexico, Central or South America. This concession was not included in the draft which was examined by the special junta. It was on this point that they so violently opposed conceding the English demands and advised war at all hazards instead.

In the fourth article, regarding the limit of 10 leagues within which English vessels should not approach Spanish establishments, Floridablanca pressed very earnestly for extending the distance to 15 leagues. As a precedent for his contention, he cited the treaty of 1763 between England and France, which fixed 15 leagues as the distance within which French fishermen might not approach the coasts of Cape Breton. He suggested the insertion of the words "in the said seas," which would confine this restriction to the Pacific. Fitzherbert embodied the last mentioned suggestion, since he conceived that it might be of advantage to the English fisheries on the Atlantic coasts of Spanish America, but he would not admit the extension to 15 leagues. His private instructions, as mentioned in the last chapter, had named 5 leagues as the distance to be first proposed, but had allowed him to concede 8 or even 10.

The fifth and sixth articles contained the stipulations upon which there was the most difficulty in agreeing. In the course of their discussion the negotiation was frequently on

the point of being broken off. Floridablanca would not consent to a convention that failed to secure to Spain her exclusive intercourse with her establishments. Neither would he consent to fix any precise line as the boundary of the Spanish possessions, either on the north or the south. He pleaded insufficient information. Fitzherbert wrote to the British Cabinet that the language of the Spanish minister on both of these points was so firm and decisive as to make it evident beyond a doubt that the alternative of peace or war rested on finding or not finding a solution of these difficulties. Neither of the two drafts of the English ultimatum afforded a solution. The one provided that the subjects of the two Crowns should have free access to all unoccupied places and to all establishments formed since April, 1789, or to be formed north of a fixed line on the Northwest Coast and south of a fixed line on the South American coast. The other, omitting any reference to fixed limits, provided that this privilege should extend to the whole Pacific coast of North and South America.

In order to solve this difficulty the English ambassador admitted the restriction at the end of the third article, mentioned above. For the same purpose he consented to insert in the fifth article the clause, "situated to the north of the parts of the said coast already occupied by Spain." This preserved the Spanish exclusive dominion as far northward as her most northern establishment. The provision in article 6 was materially changed. The draft of the ultimatum had provided that the subjects of neither nation should make any establishment south of a definite line to be fixed so long as no settlement should be formed thereon by the subjects of any other power. Instead of fixing a definite line the negotiators agreed to insert the clause, "in such part of those coasts as are situated to the south of those parts of the same coasts and of the islands adjacent already occupied by Spain." They added the provision that in such places the respective subjects should have the right of landing and constructing temporary buildings for purposes connected with their fisheries. The clause, "so long as no establishments shall be formed thereon by the subjects of any other power," was omitted from the article. This had been objected to on the ground that it would be virtually a public

invitation to all nations to make settlements there and so join England in despoiling Spain of her dominions. In order to remove the Spanish objection to publicity and still assure England that she would not be compelled to keep her hands off while other nations should do the thing that she had bound herself not to do, the stipulation was embodied in a secret article. This secret clause provided that the stipulation in the sixth article forbidding the subjects of Spain and England to make establishments in such places should remain in force only so long as no settlements should be formed there by the subjects of any other power.<sup>a</sup>

These changes having been agreed to, Fitzherbert presented to Floridablanca on October 23 a new projet embodying them. He said that he had conformed to the ideas of Floridablanca as far as his instructions would permit. In order to discuss the new draft before it should be laid before the King, the British ambassador proposed to call on the Count in the evening of the same day.<sup>b</sup> When their conference closed, the Spanish minister said that he was still in doubt whether the reply which he should give the next morning would be for peace or war.<sup>c</sup> On the morning of October 24 Floridablanca said that the King had agreed to Fitzherbert's terms and had promised that the convention should be signed with the usual formalities three or four days later.<sup>d</sup> The British ambassador pressed for an immediate signature, but the minister said that he could not consent to it. The Count was at the time with the King at San Ildefonso, whither His Majesty had gone on a hunting trip. Fitzherbert had gone to the same place to continue his conferences with the Count. The latter said that if the convention should be signed while there his enemies would charge him with having taken advantage of the fact that he was almost alone with the King to induce His Majesty to agree to a measure contrary to the interests of his Crown. He said also that he wished, before signing, to send a memorial to the junta to justify himself for signing the convention contrary to their opinion. He pledged His Catholic Majesty's

<sup>a</sup> Narrative, 297-303.

<sup>b</sup> Fitzherbert to Floridablanca, October 23, 1790. (MS. Arch. Hist. Nacional, Madrid, Sec. Estado, 4291.)

<sup>c</sup> Narrative, 303.

<sup>d</sup> Id., 291.



word that the convention should be signed "verbatim et literatim."<sup>a</sup> The exchange of full powers took place on October 26, and the wording of the titles of the two negotiators to be inserted in the preamble was arranged on October 27.<sup>b</sup> According to the agreement made four days earlier, the following convention was signed on October 28:

*The Nootka Sound convention.*

Their Britannic and Catholic Majesties being desirous of terminating, by a speedy and solid agreement, the differences which have lately arisen between the two Crowns, have considered that the best way of attaining this salutary object would be that of an amicable arrangement which, setting aside all retrospective discussions of the rights and pretensions of the two parties, should regulate their respective positions for the future on bases which would be conformable to their true interests as well as to the mutual desires with which Their said Majesties are animated, of establishing with each other, in everything and in all places, the most perfect friendship, harmony, and good correspondence. With this in view they have named and constituted for their plenipotentiaries, to wit, on the part of His Britannic Majesty, Alleyne Fitzherbert, of the privy council of His said Majesty in Great Britain and Ireland, and his ambassador extraordinary and minister plenipotentiary to His Catholic Majesty; and on the part of His Catholic Majesty, Don Joseph Mosiño, Count of Floridablanca, Knight Grand Cross of the Royal Spanish Order of Charles III, counselor of state to His said Majesty, and his principal secretary of state and of the cabinet, who, after having communicated to each other their full powers, have agreed on the following articles:

ARTICLE I.

It is agreed that the buildings and tracts of land situated on the Northwest Coast of the continent of North America, or on islands adjacent to that continent, of which the subjects of His Britannic Majesty were dispossessed about the month of April, 1789, by a Spanish officer, shall be restored to the said British subjects.

ARTICLE II.

Further, a just reparation shall be made, according to the nature of the case, for every act of violence or hostility which may have been committed since the said month of April, 1789, by the subjects of either of the contending parties against the subjects of the other;

<sup>a</sup> Narrative, 304.

<sup>b</sup> Fitzherbert to Floridablanca, October 26, 1790. (MS. Arch. Hist. Nacional, Madrid, Sec. Estado, 4291), and same to same, October 27, 1790 (Id.).

and in case any of the respective subjects shall, since the same period, have been forcibly dispossessed of their lands, buildings, vessels, merchandise, or any other objects of property on the said continent or on the seas or islands adjacent, they shall be replaced in possession of them or a just compensation shall be made to them for the losses which they have sustained.

ARTICLE III.

And in order to strengthen the bonds of friendship and to preserve in the future a perfect harmony and good understanding between the two contracting parties, it is agreed that their respective subjects shall not be disturbed or molested either in navigating or carrying on their fisheries in the Pacific Ocean or in the South Seas, or in landing on the coasts of those seas in places not already occupied, for the purpose of carrying on their commerce with the natives of the country or of making establishments there; the whole subject, nevertheless, to the restrictions and provisions which shall be specified in the three following articles.

ARTICLE IV.

His Britannic Majesty engages to employ the most effective measures to prevent the navigation and fishery of his subjects in the Pacific Ocean or in the South Seas from being made a pretext for illicit trade with the Spanish settlements; and with this in view it is moreover expressly stipulated that British subjects shall not navigate nor carry on their fishery in the said seas within the distance of 10 maritime leagues from any part of the coast already occupied by Spain.

ARTICLE V.

It is agreed that as well in the places which are to be restored to British subjects by virtue of the first article as in all other parts of the Northwest Coast of North America or of the islands adjacent, situated to the north of the parts of the said coast already occupied by Spain, wherever the subjects of either of the two powers shall have made settlements since the month of April, 1789, or shall hereafter make any, the subjects of the other shall have free access and shall carry on their commerce without disturbance or molestation.

ARTICLE VI.

It is further agreed with respect to the eastern and western coasts of South America and the islands adjacent, that the respective subjects shall not form in the future any establishment on the parts of the coast situated to the south of the parts of the same coast and of the islands adjacent already occupied by Spain; it being understood that the said respective subjects shall retain the liberty of landing on the coasts and islands so situated for objects connected with their fishery and of erecting thereon huts and other temporary structures serving only those objects.

## ARTICLE VII.

In all cases of complaint or infraction of the articles of the present convention the officers of either party without previously permitting themselves to commit any act of violence or assault shall be bound to make an exact report of the affair and of its circumstances to their respective Courts, who will terminate the differences in an amicable manner.

## ARTICLE VIII.

The present convention shall be ratified and confirmed within the space of six weeks, to be counted from the day of its signature, or sooner if possible.

In witness whereof we, the undersigned plenipotentiaries of their Britannic and Catholic Majesties, have, in their names and by virtue of our full powers, signed the present convention, and have affixed thereto the seals of our arms.

Done at the palace of San Lorenzo the 28th of October, 1790.<sup>a</sup>

ALLEYNE FITZHERBERT.

THE COUNT OF FLORIDABLANCA.

## SECRET ARTICLE.

Since by article 6 of the present convention it has been stipulated, respecting the eastern and western coasts of South America, that the respective subjects shall not in the future form any establishment on the parts of these coasts situated to the south of the parts of the said coasts actually occupied by Spain, it is agreed and declared by the present article that this stipulation shall remain in force only so long as no establishment shall have been formed by the subjects of any other power on the coasts in question. This secret article shall have the same force as if it were inserted in the convention.

In witness whereof, etc.<sup>b</sup>

Ratifications were exchanged by Floridablanca and Fitzherbert on November 22.

The fact that the convention was signed in opposition to the advice of the special junta occasioned lively comment for several weeks in Spanish official circles. It will be recalled from the last chapter that the sittings of the junta were on October 21, 22, 24, and 25, and that on the last date the junta hurried its conclusions off to Floridablanca, advising war rather than compliance with the English demands.

<sup>a</sup> Narrative, 292; An. Reg., XXXII, 303; Calvo, Recueil, III, 356.

<sup>b</sup> Calvo adds the secret article, but it has not been published in any other work.

From a statement in an earlier part of the present chapter, it will be remembered that the convention was virtually concluded between Floridablanca and Fitzherbert at their interview of October 23; and that on the next day the King pledged his word to sign the convention as it then was.

On October 27 a letter from Floridablanca informed Iriarte, the secretary of the junta, that the conclusions of the junta had been received on the 25th, had been laid before the King on the 26th, and were being considered by the Council of State. He cautioned the members of the junta to keep the proceedings of that body absolutely secret.<sup>a</sup> The Count evidently hoped to keep concealed the fact that the convention had already been agreed upon. He did not succeed long in doing this. On October 28 Iriarte replied to the Count's letter of the day before, discussing at length the latter's injunction to secrecy. Notes in Iriarte's hand on slips of paper inserted later in these two letters show that he had learned of the fact of the convention's having been agreed upon before the conclusions of the junta had been received, though it had not been signed until afterwards. In proof of the fact he referred to a circular letter which the British ambassador had written on October 26, telling all of the English consuls in Spain that the dispute had been settled and that the convention would be formally signed in a few days. Another brief note similarly inserted censured the administration very severely for accepting the English terms. It said:

This convention of October 28, 1790, is the first treaty that has been made during the reign of Charles IV, and in it has been conceded to England what has always been resisted and refused to all powers since the discovery of the Indies; and the concession means much to us.<sup>b</sup>

On November 21 Floridablanca expressed the King's thanks to all of the ministers that took part in the junta for their promptness and zeal. His Majesty assured them that he would not have hesitated a moment to carry out their recommendations if motives absolutely secret to himself had not compelled him to order the convention signed. The

<sup>a</sup> Floridablanca to Iriarte, October 27, 1790. (MS. Arch. Hist. Nacional, Madrid, Sec. Estado, 2848.)

<sup>b</sup> Iriarte to Floridablanca, October 28, 1790 (Id.), inclosing notes mentioned above, and Fitzherbert's letter to the consuls of October 26.

Count inclosed some reflections on the convention which His Majesty offered in addition to the secret motives.<sup>a</sup>

These reflections declared that the purpose of the Convention was to avoid a war in the present unhappy circumstances, reserving it for a more favorable time, if it should become necessary. It did not involve an absolute renunciation in case Spain chose not to observe it. It was shown that by a strict interpretation of some of its terms the Convention could be made of little value to England and little loss to Spain. In the stipulations that granted to English subjects privileges of commerce and settlement north or south of places already occupied, attention was called to the expression "already occupied." The word "occupied" did not mean nearly so much as "inhabited" or "peopled" would have meant, and "already" did not mean "actually" or "now." If a place had been once occupied and then abandoned this expression could be made to apply to it. The implication was that formal acts of taking possession where there had been no thought of making an actual settlement could be made to come under this head. Such acts had been performed practically all along the coast. Such a construction would have almost nullified the privileges granted to England. The reflections said further that the English were not allowed to approach Spanish settlements and Spain had equal rights with England anywhere on the coast. It was thought that Russia's fear of English encroachments would be a safeguard against England. English trade and settlements were limited to the part of the coast north of Nootka. It was insisted that the treaty simply recognized existing conditions; that it conceded nothing except what had been allowed, and on the other hand obtained concessions by limiting the privileges. It was proposed to observe the Convention only so long as it should be to the advantage of Spain to do so. Whenever she felt strong enough to assert her ancient rights she could still do it.<sup>b</sup> The purpose of these arguments was doubtless to quiet adverse criticism of the Convention. It was partially successful at the time. A few days later, after the letter of

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<sup>a</sup> Floridablanca to Iriarte, November 21, 1790. (MS. Arch. Hist. Nacional, Sec. Estado, 2848.)

<sup>b</sup> Reflections submitted to the junta. (Id.)

Floridablanca and the reflections had been considered, all of the ministers of the junta sent to the King their thanks for his confidence.<sup>a</sup> But this success did not last long. Criticism of the Convention continued and finally led to the overthrow of Floridablanca. In May, 1791, the British ambassador wrote that the Spanish prime minister was very anxious to have England take effectual measures for preventing British vessels from touching at Spanish ports, that his enemies might not find new reasons for attacking him.<sup>b</sup> Finally, in the latter part of February, 1792, Floridablanca was dismissed from office. The Nootka business was said to have been the principal cause of his fall.<sup>c</sup>

News of the agreement to sign the convention reached London November 4. On that day Leeds wrote to Auckland that a messenger had just arrived with a dispatch from Fitzherbert, dated October 24, saying that the convention had been agreed upon and would be signed four days later. A copy inclosed with this letter exactly corresponds to the convention as signed.<sup>d</sup> An unofficial letter, written on the same day by a clerk in the foreign office and accompanying this official note, declared that the convention would speak for itself; that it contained everything that England had demanded. The writer said that the Spanish ministry had been decidedly for war rather than make the sacrifice, but that Floridablanca had obtained the King's consent while on a hunting trip, and pledged his master's word that the convention would be signed on their return, that it might have the sanction of his colleagues "pro forma."<sup>e</sup> The signed convention reached London five days later. Leeds immediately sent a copy of it to Auckland, that the latter might lay it before the Dutch Government. The Duke congratulated the ambassador on the happy termination of such a very important negotiation.<sup>f</sup> On the day of

<sup>a</sup> Iriarte to Floridablanca, November 24 [29], 1790. (Id.)

<sup>b</sup> St. Helens to Grenville, May 16, 1791. (Fortescue MSS., II, 74.) Fitzherbert had been raised to the peerage as Baron St. Helens. Grenville had succeeded Leeds in the foreign office.

<sup>c</sup> St. Helens to Grenville, February 28, 1792 (Id., 256), and inclosure dated Madrid, March 21, 1792, in a letter of Auckland to Grenville, January 19, 1793 (Id., 368).

<sup>d</sup> Leeds to Auckland, November 4, 1790. (Brit. Mus. MSS., 34434, f° 14.)

<sup>e</sup> Aust to Auckland, November 4, 1790. (Id., f° 20.)

<sup>f</sup> Leeds to Auckland, November 9, 1790. (Id., f° 43.)

its arrival, November 9, the British Court ratified the convention, and hurried a messenger off to Fitzherbert.<sup>a</sup> As stated above, the ratifications were exchanged at Madrid on November 22.

On November 12 Burges, under secretary for the foreign office, wrote to Auckland:

That you and our Dutch friends are satisfied with the conclusion of the Spanish business, I am not surprised. Even the opposition here, always ready enough to pick holes, as you know, whenever they can, seem to be dumfounded, and to have nothing to say against us except that we have asked and carried so much that it is impossible such a peace can last long.

Speaking of the credit given to Fitzherbert for his success in the negotiation and of the honor conferred upon him by his being raised to the peerage, the same letter continued:

Fitzherbert of course gains much glory, as all good ministers should who follow up their instructions, and I understand that he is forthwith to receive the high reward of an Irish peerage.<sup>b</sup>

These references are sufficient to show that the English ministry was highly pleased with the success of the negotiation. On November 24 the mayor, the aldermen, and the commons of the city of London, in common council assembled, assured the King of their gratitude for the continuance of peace with Spain, and congratulated him on the reconciliation.<sup>c</sup> On November 26 Parliament assembled. The King's speech mentioned the successful termination of the negotiation and laid before the Houses copies of the declaration and counter declaration and the convention.<sup>d</sup> On the same day the House of Lords accorded enthusiastic thanks and congratulations.<sup>e</sup> Four days later the Commons, after

<sup>a</sup> Narrative, 306.

<sup>b</sup> Burges to Auckland, November 12, 1790. (Brit. Mus., MSS. 34434, f° 58.) This quotation taken with the sentence which follows shows that Burges considered about as much of the success due to himself as to Fitzherbert. Continuing, he said: "This has been a very fortunate business for him, for though undoubtedly he has had some trouble, his instructions were so full and so positive, that little more on his part was necessary than a literal adherence to them. From the turn things have unexpectedly taken, I am apprehensive you must for some time give me credit on this head." It was in this letter that Burges made the statement which assisted in identifying him as the compiler of the anonymous Narrative of the Negotiations between England and Spain, to which frequent reference has been made. (See p. 365, *antea*, note *a*.)

<sup>c</sup> An. Reg., XXXII, 305.

<sup>d</sup> Parl. Hist., XXVIII, 891.

<sup>e</sup> *Id.*, 893.

an extended debate and some criticisms from the opposition, approved the address, and assured the King that provision would be made for the expenses of the armament.<sup>a</sup> A general discussion of the merits of the convention was made the order of the day for December 13 in the House of Lords. The debate was extended, and the criticism of the ministry by the opposition was very severe. The friends of the Government seemed confident of the results and did not exert themselves greatly to refute the arguments. The convention was approved.<sup>b</sup> On the same day the Commons debated a motion calling for all of the correspondence on the dispute. There were the same violent attacks by the opposition and the same apparent indifference on the part of the friends of the administration. The motion was defeated by an overwhelming majority. On the next day, December 14, the merits of the convention were discussed. The opposing sides manifested much the same spirit, and in the end the convention was approved by a large majority.<sup>c</sup>

The logical results of the convention were interfered with by England's taking part in the war against France within a little more than two years after its signature. This absorbed her attention almost continuously for twenty-two years and prevented her, to a great extent, from taking advantage of the concessions gained. Before the end of that period the United States had entered the contest for controlling the Northwest Coast, and in a few years more purchased the Spanish claim. Thereby the whole matter was merged in the Oregon controversy. The immediate result for England was that she obtained free access to an extended coast, of which she has since come into full possession. For Spain, it was the first external evidence of the weakness of the reign of Charles IV, and was the beginning of the series of disasters which Spain successively suffered under that incompe-

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<sup>a</sup> Id., 899-906.

<sup>b</sup> Id., 933-948.

<sup>c</sup> Id., 949-1003. It would be interesting to discuss these long debates in detail, but of little value. The arguments of the opposition are much more extended than those of the supporters of the Government. This is doubtless what has led many writers into making the misleading statement that the treaty was unfavorably received. The statement is true only in so far as it applies to the opposition. Such criticism would be expected from them, no matter how favorable the treaty really was.



tent Monarch and his corrupt advisers. It was the first express renunciation of Spain's ancient claim to exclusive sovereignty over the American shores of the Pacific Ocean and the South Seas. It marks the beginning of the collapse of the Spanish colonial system.<sup>a</sup>

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<sup>a</sup> In bundle 2848, Sec. Estado, Arch. Hist. Nacional, Madrid, is a bunch of documents, about an inch thick, marked "Subsequent references and notes on the convention concluded on October 28, 1790, regarding fisheries, navigation, and commerce in the Pacific Ocean and the South Seas." They were collected by Irlarte and presented to the Prince of Peace [Godoy]. They bear a variety of dates, some as late as 1797, and are quotations from various European newspapers, reports of conversations, and copies of letters. Their purpose seems to have been to show the injustice of England in demanding such extravagant terms.

## CHAPTER XIV.

### SUBSEQUENT NEGOTIATIONS AND FINAL SETTLEMENT OF THE NOOTKA SOUND DISPUTE.

Although the convention was concluded in 1790, yet the Nootka Sound affair was still far from settled. The first article of the convention, agreeing to restore to British subjects the buildings and lands which had been taken from them at Nootka, had to be carried out. The agreement of the Spanish declaration of July 24 to indemnify the parties concerned in the ships captured at Nootka was also still to be fulfilled. It required a long arbitration and two new conventions to accomplish these results, and in the meantime an intimate treaty of alliance had been entered into for mutual protection against the excesses of the French Revolution. It was more than four years before these matters were finally adjusted. The present chapter will review them briefly.

The English and Spanish Governments each appointed a commissioner to go to Nootka and carry out the agreement of the first article of the convention of October 28, 1790. The commissioners did not meet until the summer of 1792. A brief statement should be made concerning the establishment at Nootka between the events of 1789 and the meeting of the commissioners three years later. Martinez's abandonment of Nootka in the fall of 1789 and his return to Mexico was discussed in a former chapter. The plans of the Viceroy for sending a new expedition under Eliza to reoccupy the post in the spring of 1790 were studied in the same chapter.<sup>a</sup> The Viceroy feared that Nootka would be seized by the English before his expedition could reach the place, or that an English expedition might later attempt to wrest the post from the Spanish.<sup>b</sup> His fears were not realized. The port was reoccupied and held without opposition. Dur-

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<sup>a</sup> Chapter VI.

<sup>b</sup> Instructions from Bodega y Quadra to Eliza, San Blas, January 28, 1790. (MS. Arch. Gen. de Indias, Seville, 90-3-26.)

ing the three following seasons a substantial Spanish settlement was formed, and, using this as a center, exploring expeditions examined the neighboring coast.<sup>a</sup>

The British commissioner for carrying out the convention was Captain Vancouver. He left England in 1791 and was to reach the Northwest Coast in the spring of the following year. His principal business was to explore that coast. Additional instructions concerning the transfer of Nootka were to be sent to him later.<sup>b</sup> These reached him during the summer of 1792 while he was engaged in exploring the coast in the neighborhood of the island that later received his name. He arrived at Nootka late in August. He found there Bodega y Quadra, the Spanish commissioner. It would be of little value to follow in detail the negotiations between them, since their mission accomplished nothing. They could not agree, although, personally, a very strong friendship sprang up between them. Vancouver expected that the entire establishment would be transferred to England. Quadra, after careful investigation, became convinced that the English had never purchased nor taken possession of any land except the small plat of ground on which Meares's temporary house had stood in 1788. Consequently he offered to transfer this, but no more. Vancouver refused to accept so little and the whole matter was referred back to the Governments at London and Madrid.<sup>c</sup> Having continued his survey of the coast for two years longer, Vancouver returned to Nootka in the summer of 1794 expecting that new instructions would be awaiting him regarding the transfer. He was disappointed. He waited two months at Nootka for them, then went to Monterey, where he waited nearly two months more. The English instructions still did not come, but the Spanish commissioner had received his orders, and Vancouver was informed that a special British commissioner had been sent for the purpose. On December 1 he sailed for England.<sup>d</sup>

<sup>a</sup> Voyage of the *Sutil y Mexicana* in 1792, Introduction; México á Través de Los Siglos, II, 879; Informe of Revilla-Gigedo of April 12, 1793, in Bustamante (Cavo), Los Tres Siglos, III, 330; Pedro Feger, *Nouvelles Annales de Voyages*, CI, 19.

<sup>b</sup> Vancouver, *Voyages*, I, 47-49 and 58-75.

<sup>c</sup> Id., 335 ff; Bustamante (Cavo), Los Tres Siglos, III, 133-140; Greenhow, *Oregon and California*, 241-246.

<sup>d</sup> Vancouver, *Voyages*, VI, 65-95, 117, 126. The commission was to him first and to the special commissioner in Vancouver's absence. (See Id. p. 118.)

While the arrangements were being made to send the above commissioners to Nootka to carry out the stipulations in the first article of the convention, steps were also being taken to fulfill the agreement in the declarations of July 24. The two Governments appointed commissioners to decide on the amount of the indemnity which Spain should pay to those interested in the ships captured at Nootka. Their negotiation was conducted at London. The Spanish agent, Manuel de Las Heras, was sent in May, 1791. Baron St. Helens [Fitzherbert] wrote on May 29 introducing him to Lord Grenville, who had succeeded the Duke of Leeds in the foreign office. Heras was also consul-general to England. St. Helens said:

He appears to me to be very sensible, well informed, and right headed; so that I am persuaded that he will do his best in order to execute the commission with which he is charged to the satisfaction of both Courts.<sup>a</sup>

When the Spanish commissioner reached London he either misunderstood his instructions or was intentionally very reserved regarding them. On August 26 Grenville wrote to St. Helens:

The sending of M. Las Heras at last without any instructions is really abominable, and would be reason enough, if we were so disposed, to refuse to hear of alliance or anything else.

He appealed to St. Helens to "make those slow Spaniards send instructions and powers, and, above all, liberty to refer the matter to arbitration, by which the ministers of both Courts will get it off their hands."<sup>b</sup> On receipt of this letter the British ambassador called the attention of Floridablanca to the commissioner's delay in negotiating. The Spanish minister thought that the instructions to Heras were clear and explicit; nevertheless, he sent additional instructions on September 8 authorizing the commissioner to settle and liquidate the damages, with the concurrence of Campo, the Spanish ambassador. He was to give the British Court to understand that in case of difference the Spanish King was willing to submit the matter to arbitration. The Count had given St. Helens a copy of these instructions and the latter sent

<sup>a</sup> St. Helens to Grenville, May 29, 1791; Fortescue MSS., II, 86

<sup>b</sup> Grenville to St. Helens, August 26, 1791. (Id., 176.)

them to Grenville, saying that they seemed satisfactory except that the commissioner did not have authority to settle finally without submitting the matter to the Spanish King. He remarked that such would have been an unprecedented power and said that His Catholic Majesty had promised to act on it immediately.<sup>a</sup>

It seems that the commissioners failed to agree and that the matter was referred to a court of arbitration, which sat at or near Madrid in the early part of the next year. On May 14, 1792, St. Helens wrote from Aranjuez that the Nootka arbitration business was "en bon train," and though it was going more slowly than expected he hoped to send dispatches concerning it in a very few days.<sup>b</sup> A fortnight later the business had taken a new turn. The British ambassador wrote:

I can not but hope that the proposal which goes by this messenger for settling what the Count of Aranda <sup>c</sup> calls the fastidious business of the Nootka claims by the payment of a round sum of money as a discharge in full will strike your fancy as much as it does his and mine.

The writer added that if the offer should be thought too small he was confident that Spain would increase it ten, fifteen, or even twenty thousand Spanish dollars. If Grenville should reject the offer and wish the matter to revert to arbitration he said that Aranda would facilitate it.<sup>d</sup> The amount offered was 200,000 Spanish dollars. About two months later the Nootka claimants were called upon to decide whether they wished to accept the offer or to have the matter referred back to Madrid in hope of having the sum increased.<sup>e</sup> The claimants apparently did not accept the offer. A month afterwards Dundas, the home secretary, wrote:

The Nootka business, I take it for granted, will get on, but it hangs rather unaccountably. I suspect that both sides are in some degree to blame.<sup>f</sup>

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<sup>a</sup> St. Helens to Grenville, October 3, 1791. (Id., 203.)

<sup>b</sup> Same to same, May 14, 1792. (Id., 268.)

<sup>c</sup> The new prime minister, appointed on the fall of Floridablanca.

<sup>d</sup> St. Helens to Grenville, May 29, 1792. (Fortescue MSS., II, 275.)

<sup>e</sup> Grenville to Dundas, August 4, 1792. (Id., 297.) Dundas was home secretary.

<sup>f</sup> Dundas to Grenville, September 2, 1792. (Id., 307.)

After a delay of several months more, the Spanish Court increased the offer by \$10,000. On February 12, 1793, the following convention was signed:

*Nootka claims convention.*

In virtue of the declarations exchanged at Madrid on the 24th of July, 1790, and of the convention signed at the Escorial on the 18th [28th] of the following October, Their Catholic and Britannic Majesties, desiring to regulate and determine definitely everything regarding the restitution of the British ships seized at Nootka, as well as the indemnification of the parties interested in the ships, have named for this purpose and constituted as their commissioners and plenipotentiaries, to wit, on the part of His Catholic Majesty, Don Manuel de Las Heras, commissary in His said Majesty's armies, and his agent and consul-general in the Kingdoms of Great Britain and Ireland; and on the part of His Britannic Majesty, Mr. Ralph Woodford, Knight Baronet of Great Britain; who, after having communicated their full powers, have agreed upon the following articles:

ARTICLE I.

His Catholic Majesty, besides having restored the ship *Argonaut*, the restoration of which took place in the port of San Blas in the year 1791 [1790], agrees to pay as indemnity to the parties interested in it the amount of two hundred and ten thousand hard dollars in specie, it being understood that this sum is to serve as compensation and complete indemnification for all their losses, whatever they may be, without any exception, and without leaving the possibility of a future remonstrance on any pretext or motive.

ARTICLE II.

Said payment shall be made on the day on which the present convention shall be signed by the commissioner of His Catholic Majesty in the presence of the commissioner of His Britannic Majesty, which latter shall give at the same time an acknowledgment of payment consistent with the terms enunciated in the former article and signed by the said commissioner for himself and in the name and by the order of His Britannic Majesty and of the said interested parties. And there shall be attached to the present convention a copy of the said acknowledgment of payment, executed in the proper form, and likewise of the respective full powers and of the authorizations of the said interested parties.

ARTICLE III.

The ratifications of the present convention shall be exchanged in this city of London within a period of six weeks from the date of its signature, or before if possible.

In witness whereof we, the undersigned commissioners and plenipotentiaries of Their Catholic and Britannic Majesties, have signed the present convention in their names and in virtue of our respective full powers, affixing to it the seals of our arms.

Done at Whitehall, February 12, 1793.<sup>a</sup>

MANUEL DE LAS HERAS.

R. WOODFORD.

During all of the time that the negotiations were in progress over the liquidation of the Nootka claims, a treaty of alliance and commerce between England and Spain was being discussed. The British Court attempted to induce the Spanish Government to accept duties on English manufactures, "instead," as Grenville said, "of paying an army not to prevent their being smuggled." In the same connection he remarked, "but that, I fear, is a trait of wisdom far beyond their comprehension."<sup>b</sup> The negotiation dragged through 1791 and 1792 and into 1793. In the meantime Spain had twice changed prime ministers. On the fall of Floridablanca, Aranda had succeeded him. After holding the position for about a year Aranda was succeeded by the Duke of Alcudia, the famous Godoy, known as the Prince of Peace, the paramour of the corrupt Queen. The impulse that finally brought the negotiations to a crisis was the murder of the French King by order of the Convention. A shudder of horror passed over Europe. Four days after the death of Louis XVI the British Cabinet decided to authorize St. Helens to discuss a permanent alliance with the Court of Spain against the excesses of the French Revolution. The alliance was to be commercial, offensive, and defensive.<sup>c</sup> Such an alliance was concluded May 25, 1793, and ratified by the British Court on June 21 following. Ratifications were exchanged July 5.<sup>d</sup>

This alliance facilitated the settlement of the Nootka business. After the failure of Vancouver and Quadra to agree in 1792 as to what should be surrendered at Nootka, the Governments took up the matter again. While the nego-

<sup>a</sup> Translated from the Spanish copy published in Calvo, *Recueil Complet des Traités de l'Amerique Latine*, III, 364.

<sup>b</sup> Grenville to St. Helens, August 26, 1791. (Fortescue MSS., II, 176.)

<sup>c</sup> Cabinet minute, January 25, 1793. (Id., 373.)

<sup>d</sup> Grenville to St. Helens, June 21, 1793. (Id., 398.) The documents relating to the negotiation are found in bundle 4221, Sec. Estado, of the Archivo Historico Nacional at Madrid.

tiations for this purpose were in progress a long letter from Revilla-Gigedo, the Viceroy of Mexico, reached Madrid. This was the informe of April 12, 1793, to which reference has frequently been made. Godoy, the Spanish prime minister, wrote to the Viceroy that in view of this and other letters from the same source he had concluded a convention with St. Helens.<sup>a</sup> In this long letter the Viceroy, after having given a brief history of the Spanish operations on the Northwest Coast, and especially the Nootka expeditions, gave an extended discussion, the purpose of which was to show that Nootka was not worth retaining. He dwelt on the millions that had been spent during the past twenty-five years in erecting and sustaining new establishments in Upper California, and discouraged attempts to occupy more distant places. He indorsed the idea of settling the Straits of Juan de Fuca and southward, but he thought that settlements farther north would be a cause of anxiety and fruitless expense and would afford occasions for quarrels and misunderstandings with England. If England wished to maintain possession of Nootka as a point of honor, he declared that Spain ought to yield to her. He proposed a generous surrender of the post to the English.<sup>b</sup>

The convention to which Godoy referred as having been concluded by himself with the British ambassador was signed at Madrid on January 11, 1794, and was as follows:

*Convention for the mutual abandonment of Nootka.*

Their Catholic and Britannie Majesties desiring to remove and obviate all doubt and difficulty relative to the execution of article 1 of the convention concluded between Their said Majesties on the 28th of October, 1790, have resolved and agreed to order that new instructions be sent to the officials who have been respectively commissioned to carry out the said article, the tenor of which instructions shall be as follows:

That within the shortest time that may be possible after the arrival of the said officials at Nootka they shall meet in the place, or near, where the buildings stood which were formerly occupied by the subjects of His Britannie Majesty, at which time and in which place they shall exchange mutually the following declaration and counter declaration:

<sup>a</sup> [Alcudia] to Revilla-Gigedo, January 29, 1794. (MS. Arch. Hist. Nacional, Madrid, Sec. Estado, 4291.)

<sup>b</sup> Revilla-Gigedo to Alcudia, Mexico, April 12, 1793. (Bustamante (Cavo), Los Tres Siglos, III, 112-164.)



## DECLARATION.

"I, N—— N——, in the name and by the order of His Catholic Majesty, by means of these presents restore to N—— N—— the buildings and districts of land situated on the Northwest Coast of the continent of North America, or the islands adjacent to that continent, of which the subjects of His Britannic Majesty were dispossessed by a Spanish officer toward the month of April, 1789. In witness whereof I have signed the present declaration, sealing it with the seal of my arms. Done at Nootka on the —— day of ——, 179——."

## COUNTER DECLARATION.

"I, N—— N——, in the name and by the order of His Britannic Majesty, by means of these presents declare that the buildings and tracts of land on the Northwest Coast of the continent of North America, or on the islands adjacent to that continent, of which the subjects of His Britannic Majesty were dispossessed by a Spanish officer toward the month of April, 1789, have been restored to me by N—— N——, which restoration I declare to be full and satisfactory. In witness whereof I have signed the present counter declaration, sealing it with the seal of my arms. Done at Nootka on the —— day of ——, 179——."

That then the British official shall unfurl the British flag over the land so restored in sign of possession. And that after these formalities the officials of the two Crowns shall withdraw, respectively, their people from the said port of Nootka.

Further, Their said Majesties have agreed that the subjects of both nations shall have the liberty of frequenting the said port whenever they wish and of constructing there temporary buildings to accommodate them during their residence on such occasions. But neither of the said parties shall form any permanent establishment in the said port or claim any right of sovereignty or territorial dominion there to the exclusion of the other. And Their said Majesties will mutually aid each other to maintain for their subjects free access to the port of Nootka against any other nation which may attempt to establish there any sovereignty or dominion.

In witness whereof we, the undersigned first secretary of state and of the Cabinet of His Catholic Majesty, and the ambassador and plenipotentiary of His Britannic Majesty, in the name and by the express order of our respective sovereigns, have signed the present agreement, sealing it with the seals of our arms.

Done at Madrid, January 11, 1794.\*

THE DUKE OF ALCUDIA.  
ST. HELENS.

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\* Translated from a Spanish copy in Calvo, Recueil, III, 366. A manuscript copy is in bundle 4291, Sec. Estado, Arch. Hist. Nacional, Madrid.

The two Courts proceeded to carry out this agreement. Godoy instructed the Viceroy of Mexico to appoint some one as the commissioner for Spain.<sup>a</sup> The British commissioner was appointed later, and sent by way of Spain, Havana, Vera Cruz, and Mexico.<sup>b</sup> He arrived at La Coruna about the middle of August, 1794.<sup>c</sup> On November 20 he landed at Vera Cruz, and went by way of Mexico to San Blas.<sup>d</sup> From this port both commissioners sailed for Nootka. The Englishman was Sir Thomas Pierce; the Spaniard, Manuel de Alava. They met at Nootka and on the appointed day, March 23, 1795, carried out the above agreement. Alava had previously destroyed the buildings of the Spanish settlement. After the prescribed ceremonies had been performed, both the Spanish and the English deserted the place.<sup>e</sup> Neither nation ever reoccupied it. Nootka is still inhabited by Indians.

\* [Alcudia] to Revilla-Gigedo, January 29, 1794, inclosing instructions to Bodega y Quadra, or the one whom the Viceroy should appoint. (MS. Arch. Hist. Nacional, Madrid, Sec. Estado, 4291.)

<sup>b</sup> Grenville to Dundas, February 22, 1794 (Fortescue MSS., II, 511), concerning the appointment of a commissioner; and Jackson to Alcudia, April 17 and 20, 1794 (MS. Arch. Hist. Nacional, Madrid, Sec. Estado, 4287), both of which relate to the commissioner and the route which he is to take. Jackson was at the time in charge of the British legation at Madrid.

<sup>c</sup> Jackson to Alcudia, August 16, 1794. (MS. Arch. Hist. Nacional, Madrid, Sec. Estado, 4287.) This announces the British commissioner's arrival at La Coruna and requests a passport for him.

<sup>d</sup> Mexico á Través de Los Siglos, II, 880. This work gives a very good brief account of the transfer and abandonment.

<sup>e</sup> Alava to Alcudia, San Blas, April 23, 1795. (MS. Arch. Hist. Nacional, Madrid, Sec. Estado, 4287.) In this letter the Spanish commissioner reports to Godoy the final ceremonies at Nootka. He gives as the date of the ceremonies March 28; but since an error may have been made in copying, and since other accounts agree on the above date, that has been adopted. Bancroft, Northwest Coast, I, 301-303, discusses the final settlement.

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phase of the subject. They also give a decided prejudice in favor of England. The dates of some of the documents are incorrect, and some have their titles interchanged.

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and volume 18 contains Mirabeau's report of August 25 on the same subject and the decrees of August 26.

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*American Historical Association* 9  
**XVII.—REPORT OF THE PUBLIC ARCHIVES COMMISSION.**

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DECEMBER 30, 1904.

**PUBLIC ARCHIVES COMMISSION.**

**HERMAN V. AMES, CHAIRMAN,**  
University of Pennsylvania, Philadelphia, Pa.  
**WILLIAM MACDONALD,**  
Brown University, Providence, R. I.  
**HERBERT L. OSGOOD,**  
Columbia University, New York, N. Y.  
**CHARLES M. ANDREWS,**  
Bryn Mawr College, Bryn Mawr, Pa.  
**EDWIN ERLE SPARKS,**  
University of Chicago, Chicago, Ill.

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## REPORT OF THE PUBLIC ARCHIVES COMMISSION.

DECEMBER 30, 1904.

*To the Executive Council of the American Historical Association:*

The Public Archives Commission of the American Historical Association submits the following report for the year 1904:

In presenting this, its fifth annual report, it may be of interest to review briefly the main features of the work accomplished by the Commission since its establishment in December, 1899. During this period the work of the Commission has been extended by the appointment of its representatives in 33 States, comprising, with a few exceptions, all but the newer States. As a part of the results of their work, 21 reports from 18 States have already been published. These included reports upon the archives of the cities of New York and Philadelphia. In the papers accompanying the present report 5 additional States are represented. This period has also witnessed, in general, a marked increase in the intelligent interest manifested throughout the country in the care of the archives of a public nature. In several of the States, either through the direct efforts of the Commission and its adjunct members, or indirectly through the influence of its work, important legislation has been secured, making more adequate provision for the preservation and custody of the public archives.

The work of the past year has been conducted in accordance with the same principles and policy that have obtained from the first. A number of changes and additions in the membership of the Commission have been made during the year. Prof. John Martin Vincent was, by action of the executive council, transferred from the Commission to another committee of the Association. The following gentlemen have been appointed as adjunct or associate members:

*Michigan.*—Mr. John L. Conger, University of Michigan, Ann Arbor, Mich.

*Mississippi*.—Hon. Dunbar Rowland, director, Department of Archives and History, Jackson, Miss.

*Missouri*.—Dr. Jonas Viles, University of Missouri, Columbia, Mo.

*New York*.—Associate member, Dr. Newton D. Mereness, Cornell University, Ithaca, N. Y.

*North Carolina*.—Associate member, J. H. Vaughan, University of North Carolina, Chapel Hill, N. C.

*Pennsylvania*.—Associate member, Dr. George D. Leutscher, George School, Pa.

*Tennessee*.—Mr. R. T. Quarles, corresponding secretary, Tennessee Historical Society, Nashville, Tenn.

*Vermont*.—Prof. Samuel F. Emerson, University of Vermont, Burlington, Vt.

*West Virginia*.—Prof. Walter L. Fleming, West Virginia University, Morgantown, W. Va.

Five reports have been submitted, and are presented herewith as follows:

1. Report on the public archives of Alabama, by Hon. Thomas McAdory Owen, director of the department of archives and history of the State of Alabama, giving a general account of the State, county, municipal, and miscellaneous records.

2. A supplementary report on the local archives of Georgia, by Dr. Ulrich B. Phillips, of the University of Wisconsin.

3. A brief report on the State archives of Kansas, by Prof. Carl Becker, of the University of Kansas.

4. Two reports on the county archives of North Carolina, part one by Prof. John Spenser Bassett, of Trinity College; part two by Prof. Charles Lee Raper and J. H. Vaughan, of the University of North Carolina.

5. A supplementary report on the printed archives of Pennsylvania, compiled by Prof. Herman V. Ames, with the assistance of Mr. Luther R. Kelker, custodian of the division of public records of the Pennsylvania State Library.

It was expected that reports on the archives of Illinois, Indiana, and Tennessee would also be ready for incorporation in this report, but it was found impossible to complete them in time. Investigations are in progress upon the archives of several additional States, namely, Arkansas,

Illinois, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Texas, Vermont, West Virginia, and Wisconsin, and it is confidently hoped that a majority of them will be ready for publication by another year.

Two of the members of the Commission, during the past year, have been engaged upon work closely allied to that of the Commission. As a direct outgrowth of Prof. Herbert L. Osgood's report upon the archives of New York, as stated in the Commission's report for 1902, an appropriation was secured for the purpose of editing and printing the "Minutes of the Common Council of the City of New York," for the period 1675-1776. Professor Osgood has been engaged in editing these minutes, which, it is expected, will comprise eight volumes and be published in the fall of 1905.

Another member of the Commission, Prof. Charles M. Andrews, was absent in England during the academic year 1903-4 pursuing investigations for the bureau of historical research of the Carnegie Institution among the British archives, with a view to the preparation of a guide to the manuscript material relating to American colonial history. His preliminary report is about to be issued,\* but before the final report can be published additional investigations will be necessary to complete the survey thus auspiciously begun.

In addition to the above, Professors Andrews and Osgood were commissioned to select and make arrangements for the copying of certain documents in the British Museum and elsewhere relating to American history for the Library of Congress. This important work has been begun.

In regard to State legislation relating to the archives further progress can be recorded. The State of Maryland has adopted the following act establishing a public records commission:

#### CHAPTER 282.

AN ACT to provide for the better security of public records.

SECTION 1. *Be it enacted by the general assembly of Maryland, That the governor shall appoint, by and with the advice of the senate, three citizens of the State, who shall constitute a public records commission, and who shall serve for two years. They shall serve without pay, save that they shall receive their necessary expenses out of the fund hereby appropriated. They shall examine into the condition*

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\* *American Historical Review*, January, 1905, pp. 325-349.

and completeness of the public records, and report thereon to the general assembly, with such recommendations as they may deem expedient for the better custody and arrangement and preservation of the same.

SECTION 2. *And be it enacted*, That the sum of one thousand dollars annually, or so much thereof as may be necessary, for the next two years, be appropriated for the use of said commission by the State treasurer.

SECTION 3. *And be it enacted*, That the words public records shall be held to mean any written or printed book, paper, map, or drawing, which is required by law to be preserved, filed, or recorded in any office of the State, or of any county or municipality, or of any officer or employee of the State or of any county or municipality.

SECTION 4. *And be it enacted*, That the paper in all books of record in which are preserved manuscript entries required to be made by any officer of the State, county, or municipality shall be made of linen rags and new cotton clippings well sized with animal sizing and well finished, and that the ink and typewriter ribbon used in such books of records be of a character approved by the commissioner of the land office.

Approved April 7, 1904.

The following commission was appointed: Mrs. Hester Dorsay Richardson, president; Dr. Bernard C. Steiner, and Samuel K. Dennis, secretary and treasurer. The commission was organized September 30, 1904. It reports that as its first work it has undertaken the preparation of a complete list of municipalities formed in Maryland arranged chronologically; this list to include a brief abstract of the act of incorporation and any amendments made from time to time. It is also preparing a list of the offices established in State, counties, and municipalities from the first settlement of the State to the present day, including the date of establishment of the office and of its discontinuance, if it no longer exists, as well as a brief summary of the duties thereof. The purpose of this work, as stated by the president of the Commission, is to learn through these lists what records should be in existence in the various public offices throughout the State. The next step will be the preparation of a list of all the records now accessible and by comparison of the two lists it will be shown what records are missing. A thorough investigation of the condition of the records will be made and the means for their preservation will be recommended to the State legislature. Owing to the establishment of this commission, Mr. C. W. Sommerville, the adjunct member of our Commis-

sion, has been authorized to suspend his work of preparing a report on the Maryland archives.

With reference to the work of the department of public records of Pennsylvania, the establishment of which was noted in our last report, it is gratifying to quote the following comments taken from the recent message of the governor of that Commonwealth:

The department of public records provided for at the last session in connection with the library has been organized and is doing efficient work. The archives upon which the foundations of our history rest, which up to the present time have lain about the cellars and out of the way places, being gradually stolen, lost, or destroyed, have been gathered together and are now being prepared and permanently secured in volumes chronologically arranged and open to the investigations of scholars.

Efforts are about to be made to secure legislation in South Carolina, Tennessee, and Arkansas for the establishment in each of a history and archives commission, or a department of archives and history similar in character to those already in existence in the States of Alabama and Mississippi. In Indiana and Wisconsin there is also a movement to secure additional provisions for the care of the archives. It is hoped that in the Commission's next report it will be possible to record the success of these projects.

Respectfully submitted.

HERMAN V. AMES.  
WILLIAM MACDONALD.  
HERBERT L. OSGOOD.  
CHARLES M. ANDREWS.  
EDWIN ERLE SPARKS.





## ALABAMA ARCHIVES.

o By THOMAS MCADORY OWEN, LL. D.,  
*Director of the Department of Archives and History of the State of  
Alabama.*

### INTRODUCTION.

In the care and attention given State and local archives and public records Alabama occupies an advanced position. The hope of students and investigators for a central agency in each State has its full realization in the Department of Archives and History, established by legislative act of February 27, 1901, and put in practical operation the 2d of March following. Although this Department was designed to meet all of the duties and to exercise all of the activities demanded of the State in respect to its archives (public records of every character) and history, the first of its "objects and purposes" is declared to be "the care and custody of official archives," thus emphasizing the relative importance of the subject. The theory of this legislation is based on the importance of the State archives, both from practical and historical considerations, and on the necessity, owing to crowded conditions in their present quarters and to their practical inaccessibility, of bringing them all together in one central repository, where they can be arranged, indexed, and made readily accessible.

In the organization and practical work of the Department in respect to its duties to the State archives the records in the several executive offices, departments, and boards have been carefully located and partially inventoried. All of their manuscript records, files, and accumulations of papers and documents not in current use are construed as "archives." Owing to the crowded condition of the capitol building, it has

not been deemed wise to disturb the condition and arrangement of many of the records, but they are nevertheless constructively regarded as in the custody of the Department. Elaborate plans for arrangement, classification, and indexing have been projected, which will be put in operation as soon as necessary filing room can be had. It is hoped that by 1906 all collections can be brought together. Pending the preparation of a full catalogue, which is obviously impossible at present, the investigations in the State archives, made in 1900 by the Alabama History Commission (of which the writer was chairman), have been revised, enlarged, and rearranged. In the absence of a better guide these lists and indications given below will doubtless prove helpful.\*

The result of the establishment of the Department has been to dignify the hitherto neglected accumulations of old papers, denominated by many as so much worthless trash and rubbish. Another result has been to rescue from loss and destruction many documents which would normally have been consigned to the paper mill. In its work the Department has had the co-operation of all officials, partly from patriotic considerations but more especially because of the relief given them in the matter of office room and freedom from responsibility for the records.

The principal aim of the Department so far has been to so master the extent of the collections as to be able to make their contents promptly available in response to all legitimate inquiries. Plans for binding, publication, elimination, and the completion of gaps are details which can not as yet be satisfactorily worked out.

The relation of the Department to county, municipal, and other records, and its hopes in reference thereto, is embodied in the following provision from the act of establishment section 4):

That any State, county, or other official is hereby authorized and empowered, in his discretion, to turn over to the Department for permanent preservation therein any official books, records, documents, original papers, newspaper files, and printed books not in current use in their offices.

It was not deemed wise to make the surrender of such records compulsory, for such a step would have excited

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\* For further details see Report of the Alabama History Commission, 1901, 8 vo., pp. 447.

opposition and thus have defeated the purpose of the provision. Under this authorization several county officials have placed their early records in the keeping of the department. Ultimately it is expected that all of value in a historical way will be so collected.

The descriptions below are given with reference to the office in which the several documents originated. This method of description has been adopted for purely practical reasons, although, as above observed, the entire collection of State archives is in the custody of the Department of Archives and History.

## I. STATE ARCHIVES.

### HISTORICAL SKETCH.

The official State archives have their beginning with the organization of the Alabama Territory, and its several executive departments. The act of Congress creating the Territory was approved March 3, 1817, but its provisions were not to be in force until the date when Mississippi should adopt a constitution, which event was consummated August 15, 1817.\* On September 25, 1817, William Wyatt Bibb was commissioned governor of Alabama Territory, and in December of the same year he reached St. Stephens. He at once set in motion the machinery of the Territorial government.

Prior to this time and from the establishment of the Mississippi Territory in 1798, the records of all official business in the Alabama portion of that Territory not transacted as ordinary county business form a part of the Mississippi archives at Jackson.

The act creating the Territory made St. Stephens "the seat of government," and here the official records were kept until 1819, when they were removed to Huntsville. The Alabama Republican, published at the latter place, in its issue of June 26, 1819, thus modestly comments on the arrival of the governor and the records:

His Excellency Governor Bibb arrived in Huntsville on Monday last. The secretary of the Territory is daily expected, and the public records, etc., have already arrived here, where they will remain while this place continues to be the seat of government.

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\* U. S. Statutes at Large, Vol. III, p. 371.

Cahaba being fixed by the constitution as the State capital, the records were carried there in 1820.<sup>a</sup> Here they remained until 1826, when prior to June of that year they were carried to Tuscaloosa, the second State capital. In 1845 Montgomery was selected as the seat of government, and two years later, the capitol having been completed, the State archives were again removed. Mr. Garrett gives a brief account in his *Public Men in Alabama* (1872), page 460:

No time was to be lost in transferring the archives, to be ready for the assembling of the legislature, the 6th of December, less than a month. This, however, was accomplished by industry. On or about the 20th of November the archives, records, and papers of the executive and state departments and supreme court had been packed up in 113 boxes and loaded in 13 wagons; and this train, under the control of James H. Owens, the doorkeeper of the house of representatives, moved off in the direction of Montgomery. The cargo in weight was 26,704 pounds. Without accident the whole train in due time arrived at Montgomery, and the archives deposited in their appropriate rooms. The entire cost of the removal of these archives from Tuscaloosa to Montgomery was \$1,325, which was paid by Colonel Pollard, chairman of the building committee.

Up to this time the records and archives in every respect appear to have been full and complete. The desire of the early legislators seems to have been to preserve everything which might have a future value. Minute regulations were imposed upon officials. On December 16, 1820, an act was approved providing—

That in future it shall be the duty of the secretary of state, at or soon after the close of each general assembly, to deposit in his office all the records and papers necessarily belonging to the legislature, which shall be determined by an examination made by the secretary of state, secretary of the senate, and clerk of the house of representatives, who are hereby appointed commissioners for that purpose.<sup>b</sup>

It was at this time that a general description of the archives was given by William Garrett, then secretary of state, in a letter to Mr. Pickett, which appears to be appropriately presented in full in this connection:

TUSCALOOSA, 28th Aug., 1847.

DEAR SIR: Various causes have conspired to prevent my answering before now, your letter and Interrogatories under date the 28 ulto. Even now I have to regret that it is impossible for me to answer you

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<sup>a</sup> Toulmin's Digest (1823), p. 679.

<sup>b</sup> Toulmin's Digest (1823), p. 698.

definitely upon all the subjects of your enquiries—because such cannot be done without overhauling the papers in the Executive & State Departments, which, having to be done so soon for the purpose of removal, will postpone for a few weeks my answers in regard to many of the topics upon which you desire information.

There are no Journals and Documents of the Mississippi Territory in this office—(Secretary of State's). The Territorial records of Alabama, when the Legislature sat at St. Stephens—The Journal of the State Convention—The Journals of the Senate & House of Representatives, from the birth of the State to this time are all to be had in the office.

The correspondence between the Governors of Alabama and Mississippi, in relation to [illegible] &c., I have not seen but presume it is on record in the Executive office.

There are some bundles of papers in both offices (State & Executive) in relation to the University—but as the Board of Trustees of that Institution has had its Secretary and Treasurer, and kept its own records, ever since its organization—it is more likely that the bulk of its papers, and of information in regard to its history will be found with the Secretary of the Board, H. F. Douthett, Esq.

Very little information can be obtained from this or the Executive office going to make up a history of the Banks. The Journals of the Legislature contain a good many reports made upon the subject of the Banks from time to time—both of a general and special character—and all the elections of Bank Presidents and Directors. The reports made to the Legislature by bank officers, were generally printed for the use of members—and with a renegade form of pamphlets and slips, very few have been preserved. None have been filed in the State Department because no provision has been made for that purpose—and members have generally been eager to obtain their full portion for distribution among their constituents. The original reports are generally to be found among the papers of the Senate and House of Representatives. There is in the office under my charge a book, containing the evidence taken by a committee of the Legislature in November & December, 1841, in relation to the celebrated "Bank frauds" of that year.

I have never yet seen any documents in relation to the old Huntsville and St. Stephens Banks—nor of the Canoe fight—nor the fall of Fort Mims, &c., &c. Major Jeremiah Austill, of Mobile, related the Canoe fight to me during the winter of '44-5. It is a fight that he does not appear anxious to talk about—but still I have but little doubt he would upon application, for this purpose, give you a full account of it. He could too afford much correct information in relation to the fall of Fort Mims, and the war of that period generally.

I think you will find in the Executive Office, the correspondence between Governor Gayle and the General Government commonly called the "Creek Controversy"—and also the papers made and recd. by Governor Clay, during the Creek War of 1836.

I have never seen any of the handbills, pamphlets &c., &c. issued by Gov. Gayle, on the occasion alluded to. The Journals afford a good deal of information in regard to the "impeachment of the Judges" and I have seen among the papers of the Legislature some manuscript documents upon this fight.

You will observe that I am not prepared as I said in the outset to answer you fully until time and occasion shall offer to handle and look into the various bundles in the offices—State or Executive. This occasion will offer soon, and in addition the archives of the State will be placed convenient to you, where you can examine, and will doubtless be able to put your hands upon a good many items of interest.

I was fortunate enough to receive two copies of your "eight days in New Orleans" one of which I handed to a less fortunate friend—the other was read with much pleasure—particularly that portion in Chap. 3d. where you pay a merited tribute to that great and good man, General Jackson.

I am, with great respect,

W. GARRETT.

Colo. A. J. PICKETT, *Montgomery.*

On December 14, 1849, just two years after it was completed, the State capitol was destroyed by fire, "communicated," as ascertained by a committee of the house of representatives, "from the flue or chimney to a timber, the end of which had been inserted in and rested on an eyelet hole left for that purpose in the wall of the representative hall." Resort is again had to Garrett's work, pages 517–518, for a description of the burning and of the rescue of the records:

About fifteen minutes after one o'clock in the afternoon, when both Houses were in session, it was discovered that the Capitol was on fire over the Representative Hall—the volume of smoke issuing with rapid increase. Gen. [Joseph P.] Frazier, of the Senate, upon the first intimation of such a thing, hurried to the upper story, and into the room leading, by a trapdoor, to the top, to see what discoveries could be made; but was met at the door by a dense volume of smoke, which arrested his progress.

The Senate adjourned hastily; but the House broke up its sitting without the formality of an adjournment—such was the panic and confusion that suddenly seized upon the members. The fire extended rapidly from the south end of the building against a pretty stiff northern breeze, and in three hours, that superb, elegant structure—a monument of the liberality of the citizens of Montgomery, and the pride of the State—was in ruins; nothing left but portions of the blackened walls.

The combined efforts of the members and citizens, with the heads of departments, saved the public property *upon the basement and second floor*. The State Library on the third floor could not be entered without peril. After the archives of his office [Secretary of State] were

saved, the writer conducted a number of gentlemen to that apartment, to assist in throwing the contents out of the windows; but the heat was so great and increasing, that they could not remain, and *the large collection of public documents, law-books, manuscript Journals of the General Assembly, historical works, maps of the several States, and valuable papers, with a variety of publications presented to the State in exchange for similar courtesies, and other volumes constituting a fine collection for public use—were all destroyed.*

The archives and papers of the *Executive, of the Secretary of State, the Treasurer and Comptroller, of the Supreme Court, and of the Senate and House of Representatives*, including all belonging to the public offices of the Capitol, that were saved, were secured in rooms procured for the purpose in the city, until the Houses should determine the location of the different offices. [Italics by the compiler.]

While it is generally supposed that the public records were thus saved, the facts must be limited to the official records proper of executive departments. From the last part of the foregoing statement by Mr. Garrett it clearly appears that practically all of the archives gathered under the provisions of the act of December 16, 1820, *supra*, were kept in the State library, or at least on the third floor, and they were thus lost. This appears to be also true from an examination of the records found in the secretary of state's office. How much has thus been lost to the Alabama historian will never be known, but certainly very much that would now be highly prized!

The new capitol having been completed, it appears from a joint resolution of February 10, 1852, that the governor was authorized and required "for the better protection of the public records," to cause suitable shelves to be constructed in the executive and State offices.

In April, 1865, the State archives were again subject to great hazard and in some cases distinct loss. The approach about this time of Gen. James H. Wilson with Federal troops so alarmed the officials at Montgomery that they collected the archives and sent them in charge of John B. Taylor, as State agent, to Eufaula for safe preservation. A part may have been sent to Augusta, Ga., as appears from the following communication from a Mobile correspondent to the New York Herald, June 8, 1865:

The rebel State archives of Alabama, removed from the capitol to Augusta, Ga., on the advance of General Wilson, have been discovered, and are expected to be returned to Montgomery in a day or two



by the proper officers. At present they are in this city. Mr. John B. Taylor, State agent, arrived on Sunday evening from Augusta, Ga., having in his charge the archives of Alabama. It took no less than 12 6-mule wagons to carry these papers and a portion of those of Mississippi. The latter were forwarded by the Red Chief No. 1 to Selma, and from thence will be sent to Jackson, the capital of that State.

A part of them was certainly returned to Montgomery from Eufaula. The following interesting papers give the correspondence in reference to the shipment, charges, etc.:

EUFULA, ALA., November 18th, 1865.

GEO. W. PARSONS, Esq.,

*Montgomery, Ala., Priv. Sec. to the Governor.*

SIR: I am in receipt of your telegram of the 17th inst. giving me instruction in reference to the State Records. There were only two boxes put into my store by Major Dent, Commandant of this post. They contained acts of the Legislature. There were also other boxes containing Missouri State papers.

As I have no controul (sic) of them, I beg to refer you to Captain Grabenhous, the successor of Major Dent. I remain,

Yours respectfully,

T. J. CANNON,

Per P. D. WOOLHOPPER.

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STR. INDIAN, June 2nd, '65.

*U. S. Government, To Str. Indian, Dr.*

For freight from Eufaula to Columbus on 175 boxes papers  
belonging to State Ala.----- \$600. 00  
As per annexed order.

[Copy telegram.]

J. B. TAYLOR, *State Agent.*

Any Quartermaster of the U. S. Army will furnish transportation from Eufaula to Union Springs for State Papers and send bill to me. Wagons will meet them at Union Springs May 29th.

By order Major General A. J. Smith.

(Signed)

C. K. DREW,

*Cap't & Chf Q. M. 16th Army Corps.*

I certify that the steamer Indian furnished transportation for the freight above named from Eufaula to Columbus, Ga.—being one hundred and seventy-five boxes of freight, amounting to six hundred dollars.

JNO. B. TAYLOR, *Agent State Ala.*

Received. | Approved. | F. G. Watson, | Lt. Comd'g. Post, | Columbus, Ga., | June 2, '65.

It can never be determined how much loss the records sustained. The bound books hardly suffered. Loose papers must in the majority of cases have been left behind, and were thus liable to destruction. Col. W. H. Fowler, State superintendent of army records, in his report to Governor L. E. Parsons, December 4, 1865 (Transactions Alabama Historical Society, 1897-98, Vol. II, p. 187), says in reference to his work on the war records:

The events, however, of April and May, 1865, brought it to an abrupt termination in consequent confusion; and much of the material that I had accumulated, having been deposited by me in the State capitol at Montgomery, was lost or misplaced in the evacuation of this city at the date named.

#### RECORDS REQUIRED TO BE KEPT.

The records and books required to be kept, and those actually preserved in the executive departments and other State offices, are given below. These are:

Governor.	Commissioner of agriculture.
Secretary of state.	Convict bureau.
Auditor.	State board of health.
Treasurer.	Railroad commissioners.
Attorney-general.	Clerk of the supreme court.
Superintendent of education.	Adjutant-general.
Department of archives and history.	

The official books, papers, reports, etc., of certain temporary officials or of offices discontinued by law or of special boards or commissions have been deposited or filed with the secretary of state. In some cases they will be found in other offices, as will more particularly appear from the descriptions hereafter given. Some of these are the old bank commissioners, the State debt commission of 1875, the commissioner of swamp and overflowed lands, commissioner of immigration, commissioner to survey Coosa river, commissioner of industrial resources, commissioner to encourage fish culture, and superintendent of army records. The official records and reports in some of the above cases have been printed in full. The military archives collected by Col. W. H. Fowler, such as escaped destruction, were fortunately preserved in the office of the adjutant-general.

The State board of assessment is composed of the governor, secretary of state, auditor, and treasurer, and is charged with the duty of assessing "the items of property of railroad and other companies required to be returned to the auditor." "A record of its proceedings" is required, which is kept in the custody of the auditor. (Code, 1896, I, 3966, 3971.)

The office of State examiner of public accounts was created by act of February 16, 1885. This act was amended February 12, 1897, so as to provide for assistant examiners. It is made the duty of these officials "to audit and examine the books, accounts, and vouchers" of certain named officials. They are required "from time to time, [to] report to the governor under oath the results of their examination," etc. These reports are public records. It is made the duty of the governor to cause these reports to be printed. (Code, 1896, I, 1876-1879.)

The "superintendent of salt springs and salt lands" is required by statute to report every six months "to the governor all the property of every kind collected or received, and all settlements made by him, and, generally, all his actings and doings in regard to salt lands." (Code, 1896, I, 2696.) These reports have never been printed, but are filed in the office of the governor. It is not known what office records, if any, are kept by the superintendent.

In the effort "to provide for the more efficient assessment and collection of taxes," by act of February 3, 1897, amended February 21, 1899, the office of State tax commissioner was created, and a number of duties imposed, looking to the more efficient administration of the revenue branch of the State government. The office of the commissioner is at the capitol in Montgomery, and such records as are necessary to its administration are kept by him.

The office of chief mining inspector, with two associate mining inspectors, was created by act of February 16, 1897. The act, among other things, provided regulations on the important subjects of the examination of mine bosses, standard scales, safety lamps, ventilation, maps of mines, and care for wounded in cases of accident. The inspectors are required to make biennial reports to the governor "stating the con-

dition of the mining interests in this State, with suggestions and information as may be of interest to the mining industry." These reports are printed. The office of the chief mining inspector is in Birmingham, where are kept the official correspondence, books, registers, etc. They have not been examined.

The department of insurance was created by act of February 18, 1897, with its chief officer as the secretary of state under the title of "insurance commissioner ex officio." Prior to this time all State supervision of insurance was conducted through the auditor's office, where the records are to be found. The records of the present office are described in connection with the records of the secretary of state.

There are also certain boards, which from their operation over the entire State on the subjects committed to them, may be properly mentioned here. These are the board of pharmacy, created February 28, 1887; the State board of dental examiners, created February 11, 1881; and the State board of embalming, created December 12, 1894. These several boards keep records of their proceedings, registers of licenses, etc. No inquiry has been made, however, as to their extent or special contents.

#### 1. GOVERNOR.

The office of the chief executive, known as governor, dates from March 3, 1817, when the Territory of Alabama was created. The first incumbent was William W. Bibb, commissioned September 25, 1817, but who did not enter upon the official discharge of his duties until his arrival at St. Stephens, in December, 1817. From this date the official records should begin; but unfortunately no executive journals or record books have been found for this period. In the old "military returns" a few papers are to be found. In his message, November 15, 1821, Governor Israel Pickens recommended the appointment of commissioners to examine the executive records, as they had not been kept from the beginning for want of suitable books. It is not known what action was taken. It does not appear to have been the practice of the secretaries of state, or if so the books are out of place, to

keep the "fair register of all official acts and proceedings of the governor," clearly enjoined in the constitution.

Many of the early records and papers, originally preserved in the governor's office, have been found in the office of the secretary of state. An examination discloses the following, among other, current files of papers:

Lands.	Alabama Girls' Industrial
Insane hospital.	School.
Mine inspector.	University of Alabama.
Mount Vernon.	Current appointment-pa-
Current pardon papers.	pers.
Examiners' reports.	Swamp and overflowed
Quarantine accounts.	lands.
Board of health.	

#### OLD EXECUTIVE CORRESPONDENCE.

The executive letters received appear regularly, with apparent fullness, from the beginning of Governor C. C. Clay's term in 1835. They cover the Indian and Mexican wars, the provisional government, the reconstruction period, etc. The correspondence for the Confederate war period is full.

#### OLD FILES.

The following files of papers are noted as of special interest:

Pardon files, 1870-1905.  
 Annexation of Florida, 1869.  
 Georgianna murder, Butler County, 1891.  
 Adjutant-General Candee's report on the Eufaula riot, 1874.  
 State salt works, 1865.  
 In re apprehension of Isaac H. Vincent; also papers relating to his pardon.

#### CURRENT CORRESPONDENCE.

The practice is to keep copies, in letterpress books, of all letters sent out.

Those received are preserved in file boxes.

#### 2. SECRETARY OF STATE.

The act of Congress, March 3, 1817, creating Alabama Territory, provided a secretary thereof, with the same powers and duties as those exercised by the same officer under the

Mississippi Territory. By the constitution of 1819, Article IV, it was provided as follows:

Sec. 14. There shall be a secretary of state appointed by joint vote of both houses of the general assembly, who shall continue in office during the term of two years. He shall keep a fair register of all official acts and proceedings of the governor, and shall, when required, lay the same, and all papers, minutes, and vouchers relative thereto, before the general assembly, etc.

It does not appear that the "fair register" contemplated by this section has ever been kept, at least a search has failed to discover any such record. The framers of the provision doubtless had in mind the regulation under which such a register was kept for Mississippi Territory, and which were called "executive journals." The lists here given present an approximately complete survey of the several records preserved in this office.

#### CODES.

Original manuscript of the Code of 1852. Folio. 2 vols.  
 Original manuscript of the Code of 1867. Folio. 4 vols.  
 Original manuscript of the Code of 1876. Folio. 6 vols.  
 Original manuscript of the Code of 1886. Folio. 3 vols.  
 Original manuscript of the Code of 1896. Folio. 6 vols.

#### CONVENTIONS AND CONSTITUTIONS OF ALABAMA.

1819. Enrolled copy of the constitution, 1819, on parchment, to which are attached the signatures of members. In tin case.  
 1861. Original manuscript of the constitution, 1861. Folio. In tin case.  
 1861. Manuscript of the constitution, 1861. Printer's copy. Folio, pp. 74. In tin case.  
 1861. Enrolled copy of the constitution, 1861, on parchment. In tin case.  
 1861. Manuscript journal of the convention, 1861. Large folio. 1 vol.  
 1861. Manuscript ordinances of the convention, 1861. Large folio. 1 vol.  
 1861. Enrolled copy, on parchment, of the "Ordinance to dissolve the Union," to which are attached the signatures of members of the convention. Circa: 24 by 36 inches.  
 1865. Manuscript ordinances of the convention, 1865, Nos. 1-54. Folio. 1 vol.  
 1865. Original manuscript of the constitution, 1865. In tin case.  
 1867. Election returns district of Alabama. 4 to. 1 vol.  
 Vote by counties for and against the constitution, 1867. Held under General Order, No. 101.

1867. Enrolled copy of the constitution, 1867, on parchment. In tin case.
1875. Manuscript journal of the convention, 1875. Folio. 1 vol.
1875. Vote for and against convention, August 3, 1875. Folio. 1 vol.
1875. Vote for and against constitution, November 16, 1875. Folio. 1 vol.
1875. Enrolled copy of the constitution, 1875, on parchment. In tin case.
1901. Enrolled copy of the constitution, 1901, on parchment. Folio. Manuscript journal of the convention, 1901. Folio.

## CRIMINAL ADMINISTRATION.

- Reprieves and pardons. Folio. 10 vols. 1840-1852, 1852-1860, 1860-1866, 1865-1872, 1872-1881, 1881-1890, 1890-1892, 1893-1896, 1896-1899, 1899-1900.
- Earned pardons. Folio. 5 vols. 1883-1887, 1884-1887, 1888, 1888-1890, 1889-1890.
- Demands for fugitives, or requisitions. Folio. 10 vols. 1866-1877, 1877-1881, 1881-1883, 1883-1886, 1886-1888, 1888-1891, 1891-1893, 1893-1896, 1896-1898, 1899-1900.
- Abstracts of writs of arrest, 1881-1900. Folio. 1 vol.  
Contains record of writs issued in response to requisitions from executives of other States.
- Records of warrants issued on requisitions from other States, November 1, 1881-September 13, 1883. Folio. 1 vol.  
No longer used.
- Remitted forfeitures. 1891-1900. Folio. 1 vol.

## ELECTIONS.

- Records of proclamations and writs of elections. 1843-1860. Folio. 1 vol.
- Election returns, district of Alabama. 1867. Folio. 1 vol.  
Certificate of vote in each county. Held under General Order, No. 59.
- Elections. 1868. Folio. 1 vol.
- Registration books. 1868. Several folio pamphlets, by counties.
- Election returns. August 3, 1869, 1870, 1871, 1872. Folio. 1 vol.
- Registrars of counties. 1875-1890. Folio. 1 vol.
- Presidential elections. Vote for electors, by counties. Folio. 6 vols. 1868, 1872, 1876, 1880, 1884, 1888.
- Registration lists of electors. 1875. 1 vol. Folio, for each county.  
Contains lists by precincts or wards.
- Election returns. Judges, chancellors, Congressmen, superintendent public instruction, and members board of education. 1874-1890. Small folio. 1 vol.
- Registration list for each county, of qualified electors under the Constitution of 1901.

## JOURNALS AND ACTS.

Manuscript house journals. Folio.

Incomplete file. The following early sessions have been found: 1822-23, 1824, 1825-26, 1832-33, 1833-34, 1838-39, 1840-41, 1842-43, 1845-46. Later sessions comparatively full.

Manuscript senate journals. Folio.

Incomplete file. The following early sessions have been found: 1829-30, 1834-35. Later sessions comparatively full.

Manuscript acts of the general assembly. 1818-1898. Folio.

Except for very few sessions the original manuscript copies of the enrolled acts have been found. It is altogether probable that the missing volumes will yet be located. A volume of unusual interest is the one containing the original acts of the first and second sessions of the first Territorial general assembly in 1818.

## LAND RECORDS.

Spanish grants. Translation. Folio. 1 vol.

Covers various grants, 1763-1803, and other land transactions.

Translated records. November 12, 1715-January 18, 1812. Folio. 1 vol.

Made by Joseph E. Caro, translator, under act of January 9, 1833, said Caro being commissioned March 3, 1840. His certificate is dated October 14, 1840.

Surveyor's office. Letter books. Folio. 2 vols.

December 15, 1827, to July 3, 1833.

1833-1839. Not found.

August 3, 1839, to August 1, 1848.

The first book begins with a letter from Gen. John Coffee, giving an account of the fire which destroyed the office of the surveyor-general at Florence. It ends with a letter saying that "General Coffee is at this time (July 3, 1833) so much indisposed that he is unable to attend the duties of this office."

The second book is by James H. Weakley, surveyor-general.

Field notes of surveys of Alabama lands. Folio. 75 vols.

Descriptive notes. Old Washington county surveys. Folio. 2 vols.

Vol. I made up of large sheets, originally loose. Vol. II consists of descriptions filled in blanks. The first survey, which fills the first 14 pages, was of Tp. 1, R. 1 west of the base meridian (St. Stephens). At end of page 14 it is stated that the preceding was "Recorded in Book B. | From page 72 to 77. | Washington M. T. 16 of the 8 mo. 1806. | Seth Pease. |"

It is stated that Gideon Fitz was the deputy surveyor in charge of the work, the chain bearers being Robert Caller, John Bettis, William Felps, William Baldwin.

It appears that T. 4, R. 1 west, was surveyed by John Dinsmore, deputy surveyor, Stephen Hogg, and Alexander McCullough, chain carriers. It is recorded in Book B, August 4, 1807. All surveys in the book appear to be in 1806-7.



Field notes, by Silas Dinsmore, deputy surveyor. 8vo. 1 vol., pp. 101.

Begun March 19, 1821. The book begins with this entry: "From the Stake at the Beach of the Gulph of Mexico between sections 26 & 27, T. 9, R. 1, E.," etc.

Miscellaneous field notes. Several volumes, as below:

Creek lands. 1832-33. Small folio and 8vo. 35 vols.

Cherokee lands. 1839-40. Small folio and 8vo. 9 vols.

Chickasaw lands. 1833. Small folio and 8vo. 3 vols.

Choctaw lands. 1832. Small folio and 8vo. 7 vols.

Retraced survey. 1842-1844. Small folio and 8vo. 13 vols.

Tract books of Alabama lands. Folio. 66 vols.

By counties, one volume for each.

Plat books. Large folio.

Huntsville district. Vols. 1, 2, 3.

Coosa district. Nos. 1-2.

St. Stephens district. Nos. 1-3.

Tallapoosa district. 1 vol.

Demopolis district. 1 vol.

Southern survey. 1 vol.

Northern survey. 1 vol.

Sparta district. Vols. 1 and 2.

Cahaba district. Vols. 1 and 2.

Tuscaloosa district. Vols. 1 and 2.

Township plats, retraced surveys. 1 vol.

Record of State lands. 1819-1900. Folio.

Autauga to Lamar. 1 vol.

Limestone to Winston. 1 vol.

Railroad lands. Folio. 1 vol.

Original lists of selections by railroads of lands granted under acts of Congress, 1850 et seq.

There is also one volume of lists bundled together, not bound.

Lands certified to railroads. 1856-1899. Folio. 1 vol.

Has also "Letters from the commissioner of public lands, State land office." 1861-1864.

Record of land patents, general land office of Alabama. Vol. 1. 1862. Folio.

Only 15 patents entered.

Letters from the commissioner of public lands, State land office, April 4, 1861, to August 24, 1864.

In volume entitled "Lands certified to railroads," the title preceding the last.

University lands. 1822. Small folio. 1 vol.

Contains also "Militia orders," 1823-1834.

Ledger of the Montgomery land office. 1834. Folio. 1 vol.

Contains also "Paroles," 1865.

Register of receipts issued by the receiver of public moneys at Montgomery for lands sold. January 20, 1834, to December 25, 1844. Folio. 1 vol.

Courtland land office. 1841-42. Folio. 1 vol.

- Patents from the United States to the State of Alabama. 1850-1894. Folio. 1 vol.
- School indemnity patents. 1890-1900. Folio. 1 vol.
- Alabama land patents. General. Folio.
- 1831-1835 (1 vol.; contains deeds to lots in Cahaba, 1837-1840), 1834-1836 (1 vol.), 1836-1839 (1 vol.), 1839-40 (1 vol.), 1840-1872 (1 vol.).
- Alabama land patents. Valueless sixteenth section locations.
- 1852 (1 vol.), 1852-1858 (1 vol.), 1859-1892 (1 vol.).
- Record book of lots in the town of Cahaba. 1822-1835. Folio. 1 vol.
- See also title preceding the last for record, 1837-1840.
- Sixteenth section patents. Folio.
- Book A. 1836-1845. 1 vol.
- Book B. 1845-1852. 1 vol.
- Book C. 1852-1856. 1 vol.
- Book D. 1856-1886. 1 vol.
- Book E. 1886. 1 vol.
- Register of sixteenth section stock. Under act of March 6, 1848. Folio. 1 vol.
- Register of sixteenth section notes. Folio.
- Vol. A. January 19, 1849 to 1852. 1 vol.
- Vol. B. 1852 (current). 1 vol.
- Original papers and patents to swamp and overflowed lands. Folio. 1 vol.
- A map of the S. and O. lands of Alabama, compiled by A. B. W. Kennedy and D. M. N. Ross, civil engineers. By order commissioners, appointed under act of September 18, 1850. 1871.
- Swamp and overflowed land registry. 1871-72. Folio. 1 vol.
- Book of swamp and overflowed land entries, made under Thomas H. Price, commissioner of S. and O. lands. 1878. Small folio. 1 vol.
- Very few entries. Contains also manuscript report, November, 1879, to Governor R. W. Cobb.
- No. 7. Preemption affidavits, swamp and overflowed lands. Folio. 1 vol.
- Swamp-land patents. 1893-1900. Folio. 1 vol.
- In extenso.
- List of patents to S. and O. lands. 1872-1894. Folio. 1 vol.
- Deeds to lands by the State of Alabama. 1888-1900. Folio. 1 vol.
- Land files. The following files, or packages, pertaining to land matters are preserved:
1821. Comptrollers' certificates to treasurer of land sales. 1 package.
- 3 per cent fund. 1 package.
- 1836-37. Lots in Cahaba. 1 package.
- Lands selected in lieu of valueless sixteenth sections. 1 package.
1853. Miscellaneous papers. 1 package.
1824. 6 per cent stock certificate. 1 package.
- Accounts and claims land office at Cahaba. 1 package.

- 1840. Creek Indian patents. 1 package.
- 1843. U. S. land patents. 1 package.
- Old letters. Prior to 1861. 2 packages.
- 1853. Votes on sixteenth section funds. 1 package.
- 1861-1863. Abstract of land sold in Montgomery.
- State bank lands. 1 package.
- Land papers. By counties. 69 packages.
- Washington County. Swamp and overflowed lands. 1 package.

## OFFICIALS.

## Civil registers. 1819-1905.

Notwithstanding they are variously designated, all books containing records of appointments, commissions, etc., are regarded as parts of one series.

- No. 1. 1819-1832. County officials. 1 vol.
- No. 2. 1833-1844. County officials. 1 vol.
- No. 3. 1844-1865. County officials. 1 vol.
- 1866-1869. County officials. 1 vol.
- 1868-1882. County officials. 1 vol.
- 1879-1886. County officials. 1 vol.
- 1880-1884. County officials. 1 vol.
- 1883. County officials. 1 vol. For one year.
- 1884. County officials. 1 vol. For one year.
- 1885. County officials. 1 vol. For one year.
- 1888-1892. County officials. 1 vol.
- 1892-1896. County officials. 1 vol.
- 1896-97. County officials. 1 vol.
- 1896-1900. County officials. 1 vol.
- 1900-(current). County officials.
- Executive and State officers. 1819-1861. Folio. 1 vol.
- Contains also commissioners of deeds to 1858.
- Executive and State officers. 1861-1865. Folio. 1 vol.
- Contains also commissioners of deeds, 1862-1900.
- Executive and State officers. 1868-1900. Folio. 1 vol.
- Record of commissions of State and county officers. 1878-1892.
- Small folio. 1 vol.
- Record of miscellaneous appointments and commissions. 1866-1885.
- Folio. 1 vol.
- Copies of commissions in extenso.
- Appointments to office in Alabama, made by Major General Pope, commanding Third military department. 1867. Folio. July 20, 1868, to December 14, 1872. Folio. 1 vol.
- Contains also "Orders," 1867-48.
- Official bonds of State officers. Folio. 2 vols.
- Book A. 1863-1883.
- Book B. 1883-1900.
- Applications for appointment. 1881-1887. Folio. 1 vol.
- Contains also "Applications for pardon," same period.

## MISCELLANEOUS BOOKS.

- Record of proclamations. Folio. 3 vols.  
 Book A. 1860-1881. Contains war proclamations.  
 Book B. 1882-1896.  
 Book C. 1898-1900.
- Register of applications for amnesty and pardon. Folio. 2 vols.  
 Nos. 1-1197. Vol. I.  
 Nos. 1198-1797. Vol. II.
- Record of incorporations. Folio. 4 vols.  
 Book A. 1868-1888.  
 Book B. 1882-1888.  
 Book C. 1887-1899.  
 Book D. 1899-1900.
- Railroad liens. 1882-1900. Folio. 1 vol.
- Journal of the proceedings of the board of education, July 20, 1868, to December 14, 1872. Folio. 1 vol.
- Journal of the board of regents, December 6, 1869, to December 8, 1871. Folio. 1 vol.
- List of bonds straight and endorsed presented to the board of commissioners at Montgomery, Ala., 1875. Folio. 1 vol.
- Census of 1885. Records by counties. Each, thin folio.
- Militia orders. 1823-1834. Small folio. 1 vol.  
 In volume with "University lands." 1822.
- Paroles. 1865.  
 In "Ledger of the Montgomery land office," 1834.
- Correspondence of the military secretary of the governor.  
 1883-1887. 4to. Letter-press book.
- Governor's letter books. Folio.  
 December 5, 1861, to May 12, 1863. 1 vol.  
 May 13, 1863, to April 1, 1865. 1 vol.  
 July 27, 1869, to February 13, 1870. 1 vol.
- Secretary of state's letter books. 4to. Several vols.  
 Letter-press copy books. Circa, 1860, to date.
- Records executive office. Folio. 1 vol.  
 Contains: Executive orders, 1860-61; also Letters of adjutant and inspector general. July-August, 1863.
- Records and letters [and receipts] on financial matters. 1873-1877. Folio. 1 vol.
- Map | and | profile | of part of the | Tusculmbia Courtland and Decatur | Railroad. | Explored and located | by order of the board | of Railroad Directors | David Deshler Engineer | Drawn by F. M. Petrie | Civil Engineer. |

## FILES.

The loose files of papers and documents of the office extend irregularly from the admission of the State to the present

time. They comprise several hundred packages. These files relate principally to the following subjects:

Oaths and bonds.	Appointments and commissions.
Requisitions.	Original legislative papers.
Election returns.	Applications for exemptions from taxation.
Book receipts.	Incorporation papers.
Treasurer's receipts.	Contracts and bonds.
Rejected bids.	Requisitions and receipts.
Commissioner of deeds.	Appointments not commissioned.
Attorney-general's opinions.	Color-blind examiners' papers.
Mobile and Girard lands.	Land papers.
Current letters, etc.	

Without attempting to give any approximately full lists of the files, it is deemed proper to present detail as to some of early date, in order to illustrate what exists, for both practical and historical purposes, viz:

- Land files. 1821 et seq. See above.
- Mobile branch bank. Letters and papers. 1839. 1 package.
- State bank and branches. Letters and papers. 1847. 1 package.
- Alabama Insane Hospital. 1856. 1 package.
- Pardons. 1856-1859. 3 packages.
- Miscellaneous papers. 1855-1860. 2 packages.
- Miscellaneous papers. 1860-1865. 1 package.
- Election returns. 1855-1868. 16 packages.
- Army votes, 1861. 1 package.
- Muster rolls and election returns. Confederate records. 1 package.
- Report of judges. Number of justices of the peace. 1861. 1 package.
- Confederate records. Commissions and other papers. 1861. 1 package.
- Confederate records. Military appointments. 1861. 3 packages.
- Confederate records. Commissions. 1862. 1 package.
- Reports of hospital and penitentiary inspectors. 1 package.
- Papers relating to the State University. 1862. 1863. 2 packages.
- Commissions. 1857-1866. 8 packages.
- Oaths and bonds. 1855-1868. 15 packages.
- Registrars. 1865. 1 package.
- Miscellaneous appointments. 1867-68. 2 packages.
- Military appointments. 1 package.
- Letters to Governor A. B. Moore. 1861. 3 box files.
- Letters to Governor J. G. Shorter. 1862-63. 3 box files.
- Letters to Governor T. H. Watts. 1864. 1 box file.
- Copies of letters from governors of Alabama. 1861-1864, inclusive. 1 box file.
- Secretary of state's files of letters received. 1870-1900. 59 box files.

**3. AUDITOR.**

Under the constitution of 1819 a comptroller of public accounts was provided, to be elected by a joint vote of both houses of the general assembly for one year. Biennial elections were provided by the constitutions of 1861 and 1865. The name was changed to auditor by the constitution of 1868, with a term of four years. In 1875 the constitution limited the term to two years, but the constitution of 1901 again lengthened the term to four years.

**RECORD BOOKS.**

The current books of record kept in this office are as follows, several of them extending to varying periods prior to 1860:

- Receipt journal.
- General ledger.
- Tax ledger.
- State bonds issued and paid.
- Railroad assessments.
- Solicitor's fees.
- Insurance records.
- Warrant books.
- Disbursement ledger.
- Docket of suits against defaulters.
- Official bond record.
- Convict contractor's record.
- Deeds to tax lands.
- Consolidated journal, receipts, and disbursements.
- Maimed soldiers' records. Several volumes.
- Land records. 1866-1905. "A" to "N." 13 vols.

The following old volumes are noted as of interest:

Register of certificates of Alabama State stock issued for the banks of Mobile, Huntsville, and Montgomery. Also State bonds issued under acts of January 10, 1850, and February 9, 1852. Folio. 1 vol.

Alabama State treasury notes. Folio. 1 vol.

All dated January 1, 1863. In denominations of \$1, 50 cents, 25 cents, 10 cents, and 5 cents.

Bank note register. Farmer's bank of Alabama. 1863. Folio. 1 vol.

Register of 8 per cent bonds under act of January 29, 1861, authorizing loan of \$2,000,000. Folio. 1 vol.

Register of bonds of assessors and collectors. Folio. 1 vol.

Register of city bonds of Selma. Folio. 1 vol.

Agricultural college. Folio. 1 vol.

## LETTER FILES.

Letters sent out. Copy press books, December 24, 1868 to 1905.  
4to. 58 vols.

General letters received are preserved in file boxes.

## MISCELLANEOUS FILES.

The following original papers are preserved in the office. Generally speaking the files are practically complete from 1850, although they extend irregularly to a much earlier date:

Vouchers.	Redemption of lands reports.
Original bonds.	Clerk's report, solicitor's fees.
License reports.	Certificate of land redemptions.
Tax papers.	Reports hire of convicts.
Educational papers.	Monthly reports agricultural de-
Files of annual statements of	partment.
guaranty companies.	
Files of papers in re soldiers'	
pensions.	

## 4. STATE TREASURER.

A State treasurer was provided by the constitution of 1819. He was charged with the same duties as had been performed by the Territorial treasurer. He was elected by joint vote of the general assembly, annually from 1819 to 1861, and biennially from 1861 to 1868. From 1868 to 1901 the election has been by the people for a term of two years. The constitution of the latter year gave him a four years' term.

The Territorial records of the treasurer's office were doubtless destroyed when the dwelling and storehouse of the treasurer, Jack F. Ross, was destroyed by fire, in December, 1818. The general assembly, December 18, 1820, indemnified him for the loss on this occasion of \$606.35 of public moneys.<sup>a</sup>

The records and files prior to 1882 are incomplete and difficult of any detailed description.

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<sup>a</sup> Acts of General Assembly of Alabama, 1820, p. 77.

## OFFICIAL LETTERS.

The office has complete files of official letters and correspondence from March 1, 1883, to the present; also complete files of copies of letters sent out and copies kept in copying books, dating from March 1, 1883, to the present.

## LATER RECORDS.

The following is a list of all the records since 1882, with a few of earlier date:

## Collection register.

- Vol. 1. February 2, 1893, to January 26, 1895.
- Vol. 2. January 27, 1895, to July 11, 1896.
- Vol. 3. July 12, 1896, to December 31, 1897.
- Vol. 4. January 1, 1898, to April 6, 1899.
- Vol. 5. April 7, 1899— .

## Cash book.

- Vol. 1. February 8, 1883, to June 24, 1887.
- Vol. 2. June 25, 1887, to August 9, 1890.
- Vol. 3. August 10, 1890, to December 31, 1892.
- Vol. 4. January 3, 1893, to December 31, 1894.
- Vol. 5. January 1, 1895, to August 31, 1896.
- Vol. 6. September 1, 1896, to July 31, 1898.
- Vol. 7. August 1, 1898, to June 30, 1900.
- Vol. 8. July 1, 1900— .

## Receipt journal.

- Vol. 1. October 1, 1882, to September 30, 1884.
- Vol. 2. October 1, 1884, to September 30, 1887.
- Vol. 3. October 1, 1887, to September 30, 1889.
- Vol. 4. October 1, 1889, to September 30, 1891.
- Vol. 5. October 1, 1891, to September 30, 1893.
- Vol. 6. October 1, 1893, to March 31, 1898.
- Vol. 7. April 1, 1898—

## Disbursement journal.

- Vol. 1. October 1, 1882, to September 30, 1884.
- Vol. 2. October 1, 1884, to September 30, 1886.
- Vol. 3. October 1, 1886, to April 19, 1888.
- Vol. 4. April 20, 1888, to September 30, 1890.
- Vol. 5. October 1, 1890, to September 30, 1892.
- Vol. 6. October 1, 1892, to September 30, 1893.
- Vol. 7. October 1, 1893, to September 30, 1895.
- Vol. 8. October 1, 1895, to March 30, 1898.
- Vol. 9. April 1, 1898, to September 30, 1899.
- Vol. 10. October 1, 1899— .

## Receipt and disbursement ledger combined.

- Vol. 1. October 1, 1882, to September 30, 1884.



**Receipt ledger.**

Vol. 2. October 1, 1884, to September 30, 1890.

Vol. 3. October 1, 1890, to September 30, 1893.

Vol. 4. October 1, 1893, to September 30, 1896.

Vol. 5. October 1, 1896, to September 30, 1899.

Vol. 6. October 1, 1899—

**Disbursement ledger.**

Vol. 2. October 1, 1884, to September 30, 1890.

Vol. 3. October 1, 1890, to September 30, 1893.

Vol. 4. October 1, 1893, to September 30, 1896.

Vol. 5. October 1, 1896, to September 30, 1899.

Vol. 6. October 1, 1899—

**Tax ledger.**

Vol. 1. October 1, 1893, to September 30, 1896.

Vol. 2. October 1, 1896, to September 30, 1899.

Vol. 3. October 1, 1899—

**Tax journal.**

Vol. 1. October 1, 1893, to September 30, 1900.

Vol. 2. October 1, 1900—

**Soldiers' record.**

Vol. 1. October 1, 1894, to September 30, 1897.

Vol. 2. October 1, 1897, to September 30, 1899.

Vol. 3. October 1, 1899—

**Registered bond record.**

Vol. 1. July 1, 1879, to June 15, 1898.

Vol. 2. June 16, 1898—

**Record canceled coupons.**

Vol. 1. Class A. January 1, 1877—

Vol. 2. Class B &amp; C. January 1, 1877—

Vol. 3. 6 per cent. July 1, 1880, to January 1, 1890.

Vol. 4. 4 per cent. July 1, 1890—

**Register of securities.**

Vol. 1. June 10, 1897—

**5. ATTORNEY-GENERAL.**

Although the office of the attorney-general has existed since 1819, its official records are exceedingly meager. Its biennial reports have only been published since 1882.

The following represent all of the official manuscript records found on file:

**Opinions and official letters.**

Vols. A, B, C, and D. May 17, 1889 to 1900.

Letters received. 1889-1900. 11 file boxes.

Record of sixteenth section notes. Folio. 1 vol.

Involves business from about 1851.

Attorney-general's docket of suits and claims for collection. 1893-1900. Folio. 1 vol.

## 6. SUPERINTENDENT OF EDUCATION.

The public school system, of which the superintendent of education is the official head, was created by the general assembly February 15, 1854, by "An act to establish and maintain a system of free public schools in Alabama." Prior to this time matters connected with schools, school lands, and education were committed to other branches of the State government. From time to time since its formation the office of the superintendent has come into possession of such school records as were kept antedating its creation, as will appear below. In reference to the care and preservation of the official records, John Ryan, then superintendent, says in his report for 1865:

The records, books, papers, etc., of this office were carted about the country in boxes, to keep them from the hands of spoilers, during most of the time after 1863. Their preservation is chiefly, if not alone, due to the vigilance, zeal, and activity of my worthy predecessor, the Hon. John B. Taylor, to whom the friends of education in Alabama should ever feel grateful.

## OFFICIAL LETTERS.

## Letters received.

Impossible to be definitely stated, as no systematic filing of correspondence has been attempted in this office up to 1886. The files seem to be complete from that year to the present.

## Letters sent out.

There are 26 volumes of copy books extending from April, 1857, to March, 1899, with only one short break; but it is not known how complete they are—whether all letters were copied or only the more important ones. The method now followed is to make carbon copies of all letters, and if the letter is an answer to one received, the two are fastened together and filed in indexed file cases.

## MISCELLANEOUS BOOKS AND RECORDS.

Daybook. 1836-1853.

Collection book of the branch bank at Decatur, sixteenth section notes. 1833-1848.

County educational fund. 1871-72.

Daily journal. 1870, 1871. 2 vols.

County statistics. 1868-69.

Dividend books. 1854, 1855, 1856, 1857, 1858-1859, 1860, 1861, 1862, 1863, 1864, 1865, 1866-67, 1868, 1870, 1871-1878, 1879-1883, 1884-1887, 1888-1891, 1892-1893, 1894-1896, 1897, 1898-1899, 1899-1900. 23 vols.

- Journal. 1854-1856, 1867. 2 vols.  
Journal. Township accounts, vols. 1, 2, 3, 4, 5. 1875-1880.  
Journal. Receipts sixteenth section fund, "E." 1854-1900.  
Land register; comptroller's office. 1850.  
County ledger (marked "Autauga County"). 1870.  
County ledger. 1856-1870.  
County ledger. 1860-1872.  
County ledger (marked "Franklin County"). 1873.  
County ledger (marked "School fund ledger"). 1871.  
County ledger (poll tax). 1881-1887.  
County ledger. 1871-1882.  
County ledger. 1883-1891.  
County ledger. "H." 1801-1895.  
County ledger. "T." 1895-1900.  
Township ledger. 1833-1847.  
Township ledger. Nos. 1 and 2. 1881-1889.  
Township ledger. Nos. 3 and 4. 1890-91.  
Township ledger. Nos. 5 and 6. 1892-1894.  
Township ledger. Nos. 7 and 8. 1895-1900.  
List of county superintendents and list of newspapers published in Alabama in 1875.  
Memorandum of county and city accounts. 1888-1889.  
Patent register, sixteenth section land (labeled "F." Register of vouchers). 1891-1892.  
Poll tax. 1871.  
Record, amount money due each township. 1871.  
Record, board of education and register of acts passed. 1870-1874, 1873. 2 vols.  
Record of proceedings of the executive and building committee of the University of Alabama (marked "Record"). 1866.  
Record of receipts for sixteenth section notes. 1858-1900.  
Register of certificates. 1871.  
Register of requisitions. 1872.  
Register of requisitions report. 1872-73.  
Register of teachers. 1899-1900.  
Register of vouchers. 1869.  
Requisition book. 1874.  
Report of sixteenth section notes at branch bank, Montgomery, November 1, 1851.  
Sixteenth section account book. 1849-1854.  
Sixteenth section dividend. 1848-1851.  
Sixteenth section docket. 1840-41.  
Sixteenth section fund (marked "Journal").  
Sixteenth section fund (marked "Huntsville"). 1836-1850.  
Sixteenth section fund. 1854-1859.  
Sixteenth section fund. 1856.  
Sixteenth section fund. 1860.  
Sixteenth section fund. 1861.

Sixteenth sections interest account, comptroller's office.  
Sixteenth section journal (marked "Daybook"). 1833-1847.  
Sixteenth section ledger. 1831-1841.  
Sixteenth section. "A." 1833-1841.  
Sixteenth section. "C." 1854-1857.  
Sixteenth section. 1 and 2. 1855-1863.  
Sixteenth section, branch bank, Montgomery. 1842-1854.  
Sixteenth section, branch bank, Mobile. 1836-1857.  
Sixteenth section record book. 1833-1850.  
Sixteenth section record book of notes in suit. 1855-1858.  
Sixteenth section register. "A." 1849-1854.  
Sixteenth section register. "B." 1857-1900.  
Sixteenth section register. "C." 1851-1900.  
Sixteenth section register notes branch bank of Alabama. 1828-1837.  
Sixteenth section register notes in hands of attorneys for collection. 1845-1853.  
Sixteenth section notes sent attorneys for collection. 1848-1850.  
Statement sixteenth section notes at branch bank of Montgomery, November 1, 1857.

#### 7. COMMISSIONER OF AGRICULTURE AND INDUSTRIES.

The department of agriculture was created February 23, 1883. Its administrative head is a commissioner, required, under the statute, to be "a practical and experienced agriculturist." The department has published official reports, circulars, and bulletins, copies of which are on file.

Its manuscript records are generally complete from date of organization, and are as follows:

Crop records. 1890-1900. Large folio. 4 vols.  
Guaranteed analysis of fertilizers. 1883-1900. Folio. 5 vols.  
Letters received. 1887-1900. Several file cases.  
Letters sent. 1887-1900.

From 1887 to 1900, copies preserved in press copy books. At present carbon copies are preserved, and filed with original communications.

Business administration.

The following books are kept: Cashbook, tag record, license register, check book, etc.

Museum.

In the department museum will be found a full collection of soils, fruits, grains, grasses, domestic wines and liquors, and woods, besides a number of pictures of farm and industrial life.

H. Doc. 429, 58-3—33

## 8. CONVICT BUREAU.

On January 26, 1839, a "penitentiary and State prison for the reformation of criminals" was established. Wetumpka was selected as the location. Its managing head has been a board of inspectors, which has irregularly published official reports. In connection with the administration of the bureau, laws and regulations, warden's reports, and sundry legislative documents have been published. For full lists of these, so far as obtainable, see Owen's Bibliography of Alabama, pages 1099-1103.

Prior to 1868 the manuscript records are supposed to be wholly lost. From 1868 to 1883 they are irregular and incomplete. The following comprise generally the official records since the latter date:

Record of convicts, State. 1883-1900. Several volumes.

Record of convicts, county. 1883-1900. Several volumes.

- These contain the court history of each convict.

Minutes of the meetings of the inspectors.

Order book.

Discharge book.

These two books are kept, the one for orders on officials to contractors for convicts, while the other contains the order of discharge.

Clerks' transcripts. Filed and indexed. 1883-1900.

Contractors' monthly reports. Made on blank forms. 1883-1900.

Bound in volumes every two years.

Letters received. In file cases. 1883-1900.

Letters sent out. Letterpress books. 1883-1900.

The financial records of the bureau consist of cashbooks, prison ledgers, contractor's ledgers, journals, etc.

## 9. BOARD OF HEALTH.

The medical association of the State of Alabama is made by law the State board of health. The first appropriation made by the State, to enable it "to carry into effect the health laws of the State," was by act of February 12, 1879. The records and files of the office appear to be approximately complete from the dates when first adopted. Statistical reports and circulars have been published from time to time.

The following are the records kept:

Medical directory. 1886-1900. 14 vols.

Contains lists of physicians and midwives by counties and precincts; also statistics by counties and precincts of births and deaths.

**Quarantine record books. Folio.**

Contain proclamations and all other quarantine business.

**Examination papers of physicians. 1887-1900. Several volumes.**

Each set of papers is preserved and separately bound.

**Letters received. Filled in cases.**

**Letters sent. Copies preserved in press books.**

**10. RAILROAD COMMISSION.**

The railroad commission, consisting of a president and two associates, was created by act of February 26, 1881. It organized February 28 following; and its first annual report was issued covering the partial year ending June 30, 1881. Its annual reports, of which 20 octavo volumes are now published, contain valuable historical, commercial, and financial statistics in relation to railroads in Alabama.

Its manuscript records are complete from date of organization, viz:

**Minutes of the meetings of the commissioners, 1881-1900. Folio.**

Vol. 1. February 28, 1881, to March 16, 1883.

Vol. 2. March 17, 1883, to March 31, 1886.

Vol. 3. April 5, 1886, to July 10, 1892.

Vol. 4. July 10, 1892, to October 4, 1898.

Vol. 5. October 19, 1898, to December 31, 1900.

**Rate indexes. 1890-1900. 3 vols.**

**Rate files. 1890-1900. 11 file cases.**

**Docket of complaints. 1881-1900. Several volumes.**

**Annual reports of railroads to the commissioners, showing business, statistics, etc. 1889-1900.**

Covers annual period, June 30 to June 30. These reports are made in blank volumes, supplied by the commissioners, and appear in tabulated form in the printed annual reports.

**Letters received. 1881-1900. Several file cases.**

**Letters sent. 1881-1900.**

From 1881 to 1898, copies preserved in press copy books. From 1898 to date, carbon copies are preserved and attached to original letter for file.

**11. CLERK OF THE SUPREME COURT.**

The current office records of the clerk of the supreme court consist of appearance, trial, motion and execution dockets, and minutes of the terms of the court. These are supposed to be complete. No effort has been made to list them, because it would serve no particular purpose.

The official record of each case consists of the transcript of the record thereof in the trial court, a copy of all orders, and of the final judgment or decree, and the manuscript opinion of the supreme court. At the end of each term all records of cases decided during said term are to be "bound in strong binding and lettered so as to show the term at which the decisions were made." (Code, 1896, Vol. I, secs. 3860-3861.)

It is believed that these case records are complete from the first term of the court, May, 1820. They are preserved in the office and file rooms of the clerk and can be conveniently consulted. Many of the old records contain interesting and valuable historical data. Kennedy's *Executors v. Kennedy's Heirs*, 2 Alabama Reports, page 571, is an exceedingly interesting case in point.

#### 12. ADJUTANT-GENERAL.

The adjutant-general is chief of staff to the governor, who is the commander in chief of "the active volunteer organized military forces of the State." The former is charged with a number of duties in the administration of the military department. Among other things, he is required to "keep a roster of all the officers of the Alabama National Guard and keep on file in his office all reports made to him." In the administration of the office the books kept are the following:

##### CURRENT RECORDS.

Letters-received book. Contains briefs or abstracts of all letters received.

Letterpress copy book. Contains impressions of all letters mailed.

General-order book.

Special-order book. Consists of impression copies.

Indorsement book. Contains entry of all indorsements made on correspondence, reports, etc.

Roster of officers, Alabama national guard.

Official letters, reports, rosters, etc., are all briefed and filed by years.

The current official records and papers of the office are apparently in existence from 1871.

## OLD MILITIA RECORDS.

The old militia records of the State are apparently quite full and complete, consisting of books and papers, as follows, viz:

Military register. 1820-1832. Folio. 1 vol.

Contains names of division, brigade, regimental, and company officers.

Military register. 1832-1844. Folio. 1 vol.

Military register. 1844-1861. Folio. 1 vol.

Military returns. 1818-1861. 42 packages.

Reports of strength and equipment of militia. 1822-1832. 1 package.

Military reports of officers. 1839-1844. 1 package.

## INDIAN WAR RECORDS.

Military correspondence in relation to the Creek Indian war. 1836-1839. 8 packages.

These papers comprise letters, orders, and other papers from the War Department at Washington, correspondence of Governors Clay and Bagby with the several commandants, organization of troops, consultations with friendly Indians, letters from citizens claiming protection and detailing accounts of citizens killed by hostile Indians, and the destruction of property.

There are also muster rolls of the following companies:

Capt. W. R. Smith's company of mounted volunteers, from Greene county.

Capt. James McAdory's company of mounted volunteers, from Jefferson county.

Capt. George W. Patrick's company of mounted volunteers, from St. Clair county.

Capt. O. B. Havis's company of mounted volunteers, from Shelby county.

Capt. Cornelius Carmack's company of mounted volunteers, from Lauderdale county.

Capt. Samuel Finch's company of mounted volunteers, from Limestone county.

Capt. John Abbott's company of mounted volunteers, from Perry county.

No special company names are given for any of the foregoing.

Selma Guards, Capt. J. F. Conoley.

Tallassee Guards, Capt. John H. Broadnax.

True Blues, of Montgomery, Capt. W. Chisholm.

Wilcox Guard of Cavalry, Capt. W. H. Pledger.

Montgomery Invincibles, Capt. John W. Bonham. (The letter notifying Governor Clay of the organization of this company gives only the officers' names.)



These muster rolls only give the names of the members as at first organized and filed with the governor. There were many who afterwards joined these commands whose names do not appear.

#### MEXICAN WAR RECORDS.

Papers relating to the Mexican war. Correspondence. 1846-1848. 3 packages.

Papers relating to the Mexican war. Muster rolls. 1 package.

From 1846 to 1848 the correspondence of Governors J. L. Martin and R. H. Chapman in relation to the Mexican war comprises letters and papers as to raising, organizing, and equipment of companies tendered to the governor for twelve months' service, in response to his proclamation calling for volunteers.

Many more companies were offered than needed, as the United States only called on the State of Alabama for fifteen companies; that is to say, one regiment and one battalion. General Gaines had already organized two regiments of Alabama State troops.

In addition to the data foregoing, there is also on file a large folio volume, entitled "Muster Rolls Alabama Volunteers Mexican war. 1846-47." It was transmitted by the United States War Department, office of the Adjutant-General, with a communication dated April 27, 1887, and shows all who actually served. It contains the following:

Roll of First Regiment, six months' service, Companies A, B, C, D, E, F, G, H, I, K, L, M.

Roll of First Regiment, twelve months' service, Companies A, B, C, D, E, F, G, H, I, K.

Roll of Infantry battalion, six months' service, Companies A, B, C, D.

Roll of four companies, six months' service.

#### CONFEDERATE WAR RECORDS.

The method of preserving the current records of the part of the State of Alabama and of Alabamians in the Confederate States army during the progress of hostilities seems to have been very imperfect. This is indicated by an inspection of the records which have survived, and also from the further fact that as early as 1863, realizing this condition, the State provided the office of superintendent of army records, charged with the duty of collecting and preserving the records of Alabama soldiers. To the position thus created Col. William H. Fowler was appointed. He was commissioned to the work December 9, 1863, and until the close of

the war labored steadily to gather data as to Alabama troops in the Confederate service. In a report to Governor Lewis E. Parsons, December 4, 1865 (Transactions Alabama Historical Society, 1897-98, Vol. II, p. 187), he thus describes his work, and at the same time gives an explanation of existing gaps in the records:

In the discharge of the duties of that office I collected a large and interesting mass of records, comprising returns from the greater portion of the troops in the field from this State, being carefully prepared rolls of company, regimental, and brigade organizations, showing the names and service of men and officers; deaths and other casualties; names, dates, and reports of battles; personal incidents worthy to be preserved; and very complete histories in full of many regiments and special companies. And, upon a plan adopted in accordance with the directions of the law, I was in a fair way to speedily complete the work contemplated. The events, however, of April and May, 1865, brought it to an abrupt termination in consequent confusion; and much of the material that I had accumulated, having been deposited by me in the State capitol at Montgomery, was lost or misplaced in the evacuation of this city at the date named. These missing records pertain principally to the Army of Tennessee and the troops serving south of Virginia, and I have some hope that they may yet be reclaimed. I was at Richmond at the time named, endeavoring to get the records of the Alabamians in the Army of Northern Virginia, in which effort I succeeded most happily, and have preserved them almost entire—only wanting the addition of some small organizations, which I was estopped from obtaining by the casualties and events of the memorable closing scenes immediately preceding and at the time of the surrender of General Lee.

The following lists embrace all Alabama Confederate records which have been preserved and which are not elsewhere noted:

Register of officers. 1861. Folio. 1 vol.

Shows the organization of the State by counties into divisions, brigades, and regiments, with names of division, brigade, regimental and company officers.

Register of volunteer corps. 1862-1865. Folio. 1 vol.

Contains: "General officers in Confederate service from Alabama," "Lists by counties, Autauga to Winston, of commissioned officers;" "Ninety-day volunteers for Mobile service," 1862, by counties; lists by counties of thirty-day volunteers, 1862, who served at Pensacola; lists by counties of thirty-day volunteers who served at Gainesville; list of "volunteers" under executive proclamation, December 22, 1862; county military (commissioned) officers, 1863, 1864, 1865.

Register of the sick and wounded of the Seventeenth Regiment Alabama Volunteers. December, 1863-1864. Folio. 1 vol.

A list of general officers and aids appointed during the war. 1 package.

Papers of Col. W. H. Fowler, relating to his collection of army records. 1 package.

Original copies of the ordinances of the secession convention. 1 package.

Enlistments in 1861, by Capt. William Walker and others. 1 package.

Papers relating to military operations at Pensacola in 1861. 1 package.

Appointments of brigade, field, and staff officers in 1861 and 1862. 1 package.

Regimental and company officers appointed in 1861 and 1862. 2 packages.

Papers relating to the cost of construction of the gunboat *Baltic* at Mobile in 1862. 1 package.

Papers relating to the protection of the University of Alabama. 1 package.

Muster rolls of State guards, organized under the "governor's proclamation," by counties, in 1862 and 1863. 1 package.

Muster rolls of companies for thirty and ninety days' service in 1862. 1 package.

Reports by counties of companies enlisted for the war in 1862. 1 package.

Returns of the strength and equipment of the Second, Fourth, and Eleventh divisions in 1862. 1 package.

Reports of the strength and equipments of the Ninth, Twelfth, Thirteenth, Fifteenth, Seventeenth, Twenty-first, Twenty-second, Twenty-third, Forty-first, Forty-sixth, Forty-seventh, Forty-eighth, Fifty-second, Fifty-third, Fifty-fifth, Fifty-eighth, Sixty-first, Sixty-third, Sixty-fifth, Sixty-eighth, Sixty-ninth, Seventy-third, Seventy-eighth, Seventy-ninth, Eightieth, Eighty-third, Eighty-fourth, Eighty-sixth, Eighty-ninth, Ninetieth, Ninety-first, Ninety-sixth, One hundred and first, One hundred and fifth, and One hundred and eighth regiments in 1862. 1 package.

Recommendations of special aids for the enrollment of militia in 1863. 1 package.

Muster rolls of the employees of the Montgomery and West Point, the Alabama and Florida, and the South and North railroads in 1864. 1 package.

Muster rolls of militia for local defense in 1864 and 1865. 4 packages.

Muster rolls of companies organized in 1860. 1 package.

Muster rolls of companies organized in 1861. 1 package.

Muster and pay rolls of companies in 1861. 2 packages.

Rosters of commands in the Confederate States army.

Muster rolls, pay rolls, historical and descriptive rolls, or rough lists, are preserved of the following commands from Alabama in the Confederate States army, viz:

Infantry: First Regiment, Second, Third, Fourth, Sixth (Company A), Seventh, Eighth, Ninth, Tenth, Eleventh, Twelfth (Company I), Thirteenth, Fourteenth, Fifteenth, Sixteenth, Seventeenth, Eighteenth (partial), Nineteenth, Twentieth, Twenty-fourth, Twenty-fifth, Twenty-sixth, Twenty-eighth, Thirtieth, Thirty-first, Thirty-third, Thirty-fourth, Thirty-sixth, Thirty-seventh, Thirty-eighth, Thirty-ninth, Fortieth, Forty-first, Forty-second, Forty-third, Forty-fourth, Forty-fifth (partial), Forty-sixth, Forty-seventh, Forty-eighth, Fifty-fourth (Company C), Sixtieth, and Sixty-first Regiment, Fifth Battalion, and Hilliard's Legion.

Cavalry: First Regiment, Second, Seventh (Company K), Fifty-sixth (Company E).

Artillery: First Regiment.

#### SPANISH-AMERICAN WAR, 1898.

The records of volunteers from the State in the Spanish-American war, 1898, have been preserved with much care, as well as the correspondence for the period. The former consists of bound books as follows:

First Regiment, Alabama Volunteer Infantry. Folio. 1 vol.

Second Regiment, Alabama Volunteer Infantry. Folio. 1 vol.

Third Regiment, Alabama Volunteer Infantry. Folio. 1 vol.

In addition, the adjutant-general, in General Orders, No. 14, dated Montgomery, July 15, 1899, has published the complete muster rolls of the three regiments.

#### 13. DEPARTMENT OF ARCHIVES AND HISTORY.

The department of archives and history was established February 27, 1901, and organized March 2, 1901. Under the act of establishment "the objects and purposes of the said department are the care and custody of official archives, the collection of materials bearing upon the history of the State, and of the territory included therein, from the earliest times, the completion and publication of the State's official records and other historical materials, the diffusion of knowledge in reference to the history and resources of the State, the encouragement of historical work and research, and the performance of such other acts and requirements as may be enjoined by law."

In its work the following administrative records are kept: Accession register of books, accession register of relics and all other items received, register of donors, manuscript minute books of the meetings of the board of trustees, and an account of the expenditure of the department maintenance fund. All correspondence, data, and manuscript collections are carefully classified and filed.

## II. COUNTY RECORDS.

In Alabama there are 67 counties. The following is an alphabetical list, with dates of formation:

Autauga, November 21, 1818.	Houston, February 9, 1903.
Baldwin, December 21, 1809.	Jackson, December 13, 1819.
Barbour, December 18, 1832.	Jefferson, December 13, 1819.
Bibb, February 7, 1818.	Lamar, February 4, 1867.
Blount, February 7, 1818.	Lauderdale, February 6, 1818.
Bullock, December 5, 1866.	Lawrence, February 6, 1818.
Butler, December 13, 1819.	Lee, December 5, 1866.
Calhoun, December 18, 1832.	Limestone, February 6, 1818.
Chambers, December 18, 1832.	Lowndes, January 20, 1830.
Cherokee, January 9, 1836.	Macon, December 18, 1832.
Chilton, December 30, 1868.	Madison, December 13, 1808.
Choctaw, December 29, 1847.	Marengo, February 6, 1818.
Clarke, December 10, 1812.	Marion, February 13, 1818.
Clay, December 7, 1866.	Marshall, January 9, 1836.
Cleburne, December 6, 1866.	Mobile, August 1, 1812.
Coffee, December 29, 1841.	Monroe, June 29, 1815.
Colbert, February 6, 1867.	Montgomery, December 6, 1816.
Conecuh, February 13, 1818.	Morgan, February 6, 1818.
Coosa, December 18, 1832.	Perry, December 13, 1819.
Covington, December 7, 1821.	Pickens, December 19, 1820.
Crenshaw, November 24, 1866.	Pike, December 7, 1821.
Cullman, January 24, 1877.	Randolph, December 18, 1832.
Dale, December 22, 1824.	Russell, December 18, 1832.
Dallas, February 9, 1818.	St. Clair, November 20, 1818.
DeKalb, January 9, 1830.	Shelby, February 7, 1818.
Elmore, February 15, 1866.	Sumter, December 18, 1832.
Escambia, December 10, 1868.	Talladega, December 18, 1832.
Etowah, December 7, 1866.	Tallapoosa, December 18, 1832.
Fayette, December 20, 1824.	Tuscaloosa, February 7, 1818.
Franklin, February 6, 1818.	Walker, December 26, 1823.
Geneva, December 26, 1868.	Washington, June 4, 1800.
Greene, December 13, 1819.	Wilcox, December 13, 1819.
Hale, January 30, 1867.	Winston, February 12, 1850.
Henry, December 13, 1819.	

An examination shows seven counties—Washington, Madison, Baldwin, Clarke, Mobile, Monroe, and Montgomery—formed in the order named by the Mississippi Territory, and with which Alabama Territory was established March 3, 1817. The two sessions of the Alabama Territorial legislature formed fifteen additional counties, making twenty-two represented in the constitutional convention of 1819. Within the next few years several others were formed.

While, of course, the records of all are more or less valuable, those of the older counties are particularly so. They have, as a rule, been very well kept, and are fairly well preserved and cared for. They contain many personal and economic details. They are, in fact, a mirror of the lives of the people. Of course they have suffered in many instances from the carelessness and indifference of officials and custodians. A disposition now exists, however, to jealously guard them, and in many cases costly safes and vaults have been provided for their preservation. Still, with the frequent change of officials, and considering the large number of officers, there is to be found considerable indifference on the subject of the proper preservation, especially of the older records.

Although only partially developed as yet, the policy of the Department of archives and history has been to bring together in its collections, under section 4 of the act establishing the Department, all of the early records of the several counties. This will insure their better preservation and will at the same time make them more readily accessible for historical students. Under this authorization some of the early records of the counties of Blount, Lawrence, Jefferson, Madison, Marshall, Monroe, Morgan, and Washington have been received. Partial files of the newspapers of the counties of Escambia, Jefferson, Mobile, and Montgomery have been deposited in accordance with this provision.

The following is a list of county offices: Probate judge, clerk of the circuit court, register in chancery, county treasurer, tax assessor, tax collector, sheriff, coroner, county medical society, county health officer, county surveyor, county superintendent of education, justice of the peace, and notary public. The three most important are probate judge, clerk of the circuit court, and register in chancery, and in their offices are to be found the principal records of value, as wills,

deeds, mortgages, corporations, administrations, court proceedings, marriages, divorces, and of all county business **not** included in the records hereinafter specifically described. A statement as to the records required to be kept by the several other officers is now given.\*

#### COUNTY TREASURER.

The office of county treasurer is charged with the duty of keeping the money of the county and of its disbursement according to law. In its administration he is required to keep "separate registers" of claims against the general fund, the special funds, if any, and the fine and forfeiture funds. In Jefferson County, whose fiscal affairs largely exceed those of any other county of the State, there are nine distinct funds, viz, the general fund, the fine and forfeiture fund, solicitor's fund, school fund, bridge fund, special-tax road fund, the "\$2" road fund, the land redemption fund, and overplus fund. In addition to the records of these funds, the designations of the remaining records of this office are given as illustrating the statutory requirements. They comprise the following:

"Treasurer's cash and distribution," in which is registered all claims of a miscellaneous and general character as paid, with amounts and dates.

"Cashbook, road, and bridge fund," in which is kept a complete record of receipts and disbursements on this account.

"Daily record of warrants drawn."

"Claim register," in which are entered claims of all descriptions against the county where not presently paid, the payment after registration to be made in order of date and number.

"Land redemption record."

"Overplus fund."

Separate stub books of all receipts, land redemption, and overplus fund, and other sources of receipt.

There are also sundry office blotters, recapitulation books, deposit books, etc.

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\* An elaborate investigation of the records of the several counties is now being conducted by the Department of archives and history. This is designed to complete the work of the Alabama History Commission, and the result is to be published as vol. II of its *Report*, etc.—see General Laws of Alabama, 1900-1901, p. 129.

**TAX ASSESSOR.**

The records of the tax assessor comprise the blanks and books required to be prepared in assessing the county taxes each year. These comprise the assessment lists, a book containing a condensed statement of all assessments, "a complete plat book of all real estate in the county," and a land book, containing "a complete list of all the lands in the county." In several of the counties expensive map books of the lands of the county have been prepared under special acts, or by the assessors to facilitate their work.

**CORONER.**

Coroners are required to reduce all inquests to writing and return them to court forthwith. (Code, 1896, II, 4931.) It is presumed that a short formal record is also kept of such inquest for their own use. A coroner is often called upon to perform the duties of sheriff, and the record of his official acts in this capacity is kept in the office of the latter.

**COUNTY MEDICAL SOCIETY.**

The county medical societies, in affiliation with the medical association of the State of Alabama, are the county boards of health, and have numerous powers in the administration of health laws, as in the matter of epidemic and other diseases, nuisances, sanitary regulations, quarantine, etc. Annual reports are required to be made to the court of county commissioners or boards of revenue and to the State board of health in January of each year. (Code, 1896, I, 2429, 2430.) These reports are condensed in the published reports of the State board, etc.

**COUNTY HEALTH OFFICER.**

The county health officer is elected by the county board of health, which fixes his term of office. This term varies in the several counties. His salary is fixed by the court of county commissioners. It is his duty, among other things—

To keep, under such regulations as may be prescribed by the county board of health, a book to be styled "register of births," in which he must register all births occurring in the county reported to him, specifying, so far as reported, the sex and color of the child, the date



of birth, the name or names of the parent or parents, with such other details as he may be required to enter; also a book to be styled "register of deaths," in which he must register all deaths occurring in the county reported to him, specifying the date, cause, and place of death, the name, age, sex, and color of the deceased person, with such other details as he may be required to enter; also a book to be styled "register of infectious diseases," in which he must register all cases of pestilential or infectious diseases occurring in the county reported to him, with such other details as he may be required to enter. (Code, 1896, I, 2436.)

These regulations as to registers were adopted in 18—. They are faithfully kept in many counties, while in others it is done indifferently. In many cases local or attending physicians fail to make reports, which in so far renders the registers incomplete.

#### COUNTY SURVEYOR.

County surveyors keep no official books of record, or files of official papers, or official files or copies of surveys made by them. Surveys or plats made by them, in accordance with statute, are "presumptive evidence of the facts stated." (Code, 1896, I, 3889-3898.)

#### COUNTY SUPERINTENDENT OF EDUCATION.

The county superintendent of education is charged with a number of responsible duties in connection with the administration of the schools of the county, supervising the examination of teachers, holding teachers' institutes, the receipt and disbursement of school funds, control of local officials, etc. Unfortunately the statutory requirements as to the books of record required to be kept by him have been so indefinite that, properly speaking, the offices of the county superintendent of education may be said to be without official records. If a proper system had been adopted and enforced from the establishment of the system in 1854, local data as to schools, teachers, etc., would not now be wanting.

He is required to keep a book of receipts and disbursements on account of the educational fund of the county, and also a book of apportionment and distribution of the educational fund "in each township for each race." (Code, 1896, I, 3556, sub-division 5.)

Annual reports are also to be made by him to the State superintendent of education, showing the condition of the public schools of the county.

It is presumed that the reports by township trustees of the location of schools, contracts with teachers, papers relating to the sixteenth section funds, etc., are filed in his office. It is not known that official correspondence is preserved.

Every teacher of a public school is required to keep a "register of the actual daily attendance of the pupils in his school." This register is to be submitted to the township trustees. (Code, 1896, I, 3572, 3580.)

#### SPECIAL OFFICIALS FOR MOBILE COUNTY.

In the county of Mobile are certain special officials, not provided for other counties:

Harbor master and port wardens of Mobile. (Code, 1896, I, 2974-2991.)

Board of commissioners of pilotage. (Ibid., 2992-3013.)

Quarantine board of Mobile Bay. (Ibid., 2422.)

City clerk of Mobile, in the matter of his duty as custodian of "Ship registers." (Ibid., 3014.)

#### JUSTICES OF THE PEACE.

Justices of the peace are required to keep a "docket of all cases brought before" them. (Code, 1896, I, 2664.) These are to be transmitted to their successors in office. (Ibid., 2679, 3039, 3133.) The latter provision is very rarely complied with, and it is practically impossible to locate justices' records except for recent years.

#### NOTARY PUBLIC.

A notary public is required to keep "a fair register of all his official acts." (Code, 1896, I, 3027.) It is a further provision that "in case of the death, resignation, removal, or expiration of his term of office," the register in thirty days is to be deposited with the probate judge of the county. (Ibid., 3028.) In very few instances are registers found to be kept at all, and none are reported as deposited in the probate offices.

## MOBILE COUNTY RECORDS.

It is impossible, owing to lack of data, to present in detail an account of the records of each of the several counties. The importance, however, of the Mobile county records seems to make desirable a special description of them. Such information as the compiler has been able to secure is given below:

## COLONIAL CIVIL RECORDS.

The civil records for colonial times at Mobile are of great value and are not inconsiderable in extent. They are embraced in about 40 neat packages, deposited in two or three cypress boxes in the office of the probate judge. Before American times most of the river country was Indian, and the few white settlements outside of Mobile looked to that place for government, protection, and records.

There are a few French papers, mainly land grants, and less English, while the great mass of them are Spanish. These latter cover land grants, private deeds, administrations, and other public papers. The Spanish procedure was very precise, calling for many officials and witnesses, and supervision by the government of almost every business, so that from these papers can be made out an accurate picture of Spanish life on the Gulf from the latter part of the eighteenth century to the second decade of the nineteenth. These papers should be classified, bound, and indexed for easier use and better preservation.

The bundles and contents are as follows:

- Bundle A. 89 judicial proceedings. 1759-1787. 2 packages.
- Bundle B. 8 judicial proceedings. 1786-1803.
- Bundle C. 27 judicial proceedings. 1789.
- Bundle D. 23 judicial proceedings. 1790.
- Bundle E. 25 judicial proceedings. 1791.
- Bundle F. 50 judicial proceedings. 1792.
- Bundle G. 63 judicial proceedings. 1793. 2 packages.
- Bundle H. 35 judicial proceedings. 1794.
- Bundle I. 65 judicial proceedings. 1795.
- Bundle K. 33 judicial proceedings. 1796.
- Bundle L. 34 judicial proceedings. 1797.
- Bundle M. 27 judicial proceedings. 1799, 1803, 1809.
- Bundle N. 50 judicial proceedings. 1799.
- Bundle O. 46 judicial proceedings. 1800.

- Bundle P. 42 judicial proceedings. 1801.
- Bundle Q. 51 judicial proceedings. 1802. 2 packages.
- Bundle R. 43 judicial proceedings. 1803.
- Bundle S. 36 judicial proceedings. 1804.
- Bundle T. 66 judicial proceedings. 1805.
- Bundle U. 39 judicial proceedings. 1806.
- Bundle V. 29 judicial proceedings. 1807.
- Bundle W. 59 judicial proceedings. 1808.
- Bundle Y. 76 judicial proceedings. 1809.
- Bundle Z. 60 judicial proceedings. 1810.
- Bundle A<sup>2</sup>. 20 judicial proceedings. 1811, 1812, 1813.
- Bundle 1. 15 powers of attorney.
- Bundle 2. 28 powers of attorney.
- Bundle 3. 24 powers of attorney.
- Bundle 4. 30 powers of attorney.
- Bundle 5. 33 powers of attorney.
- Bundle 6. 24 powers of attorney.

The "judicial proceedings" really embrace all public proceedings, whether judicial or executive.

Perhaps even more interesting are seven packages of grants or patents of the Spanish or other governments, and they have been made accessible in the "translated records." The bundles are not numbered, but are as follows:

- 44 concessions to lands. 1715-1770, 1794-1796, and 1797-1799.
- 61 concessions to lands. 1773-1787.
- 66 concessions to lands. 1789-1795.
- 46 concessions to lands. 1798.
- 42 concessions to lands. 1800 and 1810.
- 40 concessions to lands. 1801-1809.
- 20 concessions to lands. Various dates.

The number of papers in each package, however, is only approximate, as on account of handling and rearrangement some numbered in one may since have found their way into other bundles.

The "translated records" referred to are in two volumes of unequal length, and are translations of a number of these grants and deeds, but not of the judicial proceedings. They were made by Joseph E. Caro in 1841 under an act of the legislature approved January 9, 1833. They have a direct index only, but are of great value and are in frequent use. The earliest paper is Governor Cadillac's grant of part of Dauphine Island, November 12, 1715, and the latest in Volume I is a Chastang deed of January 18, 1812. Volume I,

exclusive of index, has 436 pages. Volume II is made up of grants by Governor-General Galvez and others, or the commandants at Mobile, beginning with one of Gayoso to McDonald, June 19, 1798, and ending with one of Governor-General Kerlerec to Monbiraute, March 11, 1763, but containing many of later date—some in 1810. It has 250 pages.

There are few French and less British, as with the originals. The British authorities complained that when the French left Mobile in 1763 they removed many records, and the facts seem to show that when the British evacuated the place in 1780 they took even more than the French. This may partly account for the apparent disregard by the Spaniards of old British grants. There are numerous inquiries by the Spanish authorities to ascertain whether land is "vacant," which often means "abandoned," and the new grant would often ignore the British subdivisions. This produced much confusion and litigation in early American times, for the United States recognized all perfect grants by any preceding government. In this way the general land office (and in a less degree the courts) has become the depository of a vast deal of testimony and many documents of much value for history.

Following the description of these early and valuable records and papers, it is proper to present an account of their preservation, a circumstance largely due to the vigilance and zeal of Judge Harry Toulmin. The following letter to James Monroe, secretary of State, with the inclosed copies, gives a full explanation. The letter from the governor has not been found. But for Judge Toulmin's action it is altogether probable that but few of the papers referred to would now be in Mobile.\*

*Judge Toulmin to Mr. Monroe.*

FORT STODDERT 23d June 1813.

SIR: Under the impression that it will be highly desirable that some disposition should be made by law during the present session of Congress, of the Spanish documents lately come into our possession;—I take the liberty of doing myself the honor of addressing you immediately on the subject, as I am fearful that any communication

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\* These three letters are from the manuscript collections of the compiler, from the originals in the office of the secretary of State, Washington.

through the medium of the Governor (being so circuitous) will not reach the city of Washington previous to an adjournment.

The papers which were delivered to Governor Holmes soon after the evacuation of the Fort by the Spaniards, I was perfectly satisfied at the time made but a small part of the records of the Commandancy:—but although I put the question in various shapes to the Lieut. of Artillery, Don Juan Esteven, who was entrusted with the charge of delivering them. I was assured that they were all which he knew of, & that in delivering them, he fully executed his commission.

I enclose you a copy of the application which I made to the Spanish Governor in the name of Governor Holmes, for the remainder:—and as I knew that, agreeably to Spanish habits, much greater weight would be given to it, if delivered by a military officer, I made a request to Col. Bowyer, which I also enclose, and which he readily complied with.

The answer of the Governor, herewith transmitted (and which I have translated and sent to Governor Holmes), discovers a greater portion of liberality than I expected. He does not seem to have lost his regard for the people of the province, although he cannot but remind us of the bitterness of "the unjust aggression of which they have been the victims."

I found the papers in question in the house of the very lady, who had assured me that they had been sent to Pensacola; although, indeed, she explained away the inconsistency by saying that the boxes she had described to me, she now found to contain the military papers. The Lieut. of Artillery on receiving the letter which had been enclosed to me by the Governor, immediately went to the house of the lady, and was about to have the papers removed to the house of Don Michael (sic) Eslava, the late collector and commissary. He also informed me, on my calling at the same house, that he could not deliver them up, till the next afternoon, and must in the mean time separate the public from the private papers. As I had from various circumstances, strong doubts about the intentions of these gentlemen, and was fearful, that by suffering a secret scrutiny and selection of the papers, the authenticity of the whole might afterwards be rendered questionable;—I remonstrated against this course of procedure:—but as my remonstrances had but little effect, I could not but feel, in determining upon the course to be pursued, some conflict between personal politeness and public duty. However, I finally sealed the trunk, & assured the Lieutenant, that I would trust to his honor that the seals would not be violated. He instantly became angry, and declared that he would have nothing more to do with the papers. I therefore took them into immediate possession, and on the two following days was employed with some Spanish gentlemen in making out a general list of them. I have deposited them, for safe keeping, in the hands of Col. Zenon Orso, a Notary public at Mobile, who is a master both of the french, spanish and english languages. I have sworn him likewise for the faithful preservation of them, and have

recommended it to him to make out a list of every individual paper, as well for the information of the Government, as to become evidence hereafter, of what papers were actually delivered by the Spanish officer, and are from that circumstance entitled to credit as public documents. I have also informed him that I would transmit to the national government any reasonable account of charges for these services.

The papers which were delivered to Gov. Holmes, & which he delivered to me, were deposited with Mr. Acre, the land commissioner's clerk; but as he is removing his office and wished to return them, I have requested him to deliver them also to Col. Orso. These related entirely I think to the original grants of lands from the year 1763 to the year 1810,—tied up in bundles according to the years, and containing altogether about 300 papers.

Those lately delivered are filed in the same way from the year 1786 to the present time, excepting the year 1812. They are bills of sale, private contracts, letters of emancipation, wills, distributions of estates, proces verbal in civil and criminal suits &c. They are about three times the bulk of those delivered at first, and were not intermixed with any private papers.

There is no record received of the plan of the town, no account of the disposition of lots, and, I believe, no evidence of property belonging to the government. I propose to state this in another letter to the governor of Pensacola.

Some of the papers relate to lands above the old line; but as they are generally in French or Spanish; I should suppose that it would be most advisable that the whole should remain together at Mobile:—and if the law provides that copies, or even translations, made by the officer in whose custody they are, shall have the same weight as originals; I do not see any inconvenience which would result from their remaining at Mobile, sufficiently great to counterbalance the risque, which will attend their being distributed among different offices. Should the President eventually appoint a keeper of these records: I would take leave to recommend the present notary public, Colonel Zenon Orso, a native of Louisiana, who has lived however a considerable time in the United States, but has been established many years at Mobile, and is a man of character, and every way qualified for the trust.

[Inclosure.]

*Judge Toulmin to Colonel Bowyer.*

MOBILE 24th May 1813

DEAR SIR: Having been specially requested by Governor Holmes, to make application for a number of public papers & records which were not delivered up by the late Commandant; I have written to the Governor of Pensacola on the subject; and under the belief that it will be the most effectual mode of giving weight to the application,

I write to solicit the favor of you, to send an officer to Pensacola, with the Governors application as made through me.

The possession of these papers is of the utmost importance to the American Government, and to the Citizens of this Territory; and I should be deficient in a respect to both, did I not use every means in my power to accomplish that object. Under this impression, I take the liberty of earnestly praying your aid in whatever you may deem most likely to be effectual. Should you think it expedient to comply with the request, which I make in the name of the Governor; I would pray you to be pleased to suggest to the Officer to whose care the affair may be entrusted, the propriety of having the books & papers, when delivered, secured in the custody of some respectable Individual, at Pensacola, until I can provide means for their transportation to this place.

I have left open the enclosed for your perusal & pray you to seal it.

I am, dear Sir Very respectfully Your obt. & faithful servt.

HARRY TOULMIN.

Lieut. Col. JOHN BOWYER

*Commanding at Perdido—*

[Endorsement: "Copy of letter to Col. Bowyer."]

[Inclosure.]

*Judge Toulmin to Governor Manriques.*

MOBILE 24th May 1813

SIR: His Excellency Governor Holmes previously to his leaving this Country, understanding that some mistake had probably been made in the delivery of the public Records, belonging to this post, requested me, as the chief civil Officer in this part of the Territory, to make application to your Excellency for such books & papers relating to land-titles, and civil contracts, as had been deposited in the Office of the Commandant of this post.

I have, since, learned that several boxes containing such documents had, by mistake, been put on board the vessel in which the late Commandant departed:—and that although it was intended to reland them, yet, in the hurry of removal, it was forgotten to be done, and they were, accordingly, taken to Pensacola.

I, therefore, do myself the honor, in the name of the Governor of the Mississippi Territory, to solicit your Excellency to cause them to be delivered to the Officer who will have the honor to present this application to you. The great importance of these Records, to the Inhabitants of this province, as containing the evidences of those concessions which were made to them by the benignity of the Spanish Government will, I am sure, afford to your Excellency a sufficient inducement for a compliance with this request.

I have the honor to be, very respectfully

Your Excellency's most obt. & most humble servt.

HARRY TOULMIN.

His Excellency DON GONZALES MANRIQUES

*Governor of Pensacola.*



## LATER CIVIL RECORDS.

Deed book "A" begins in 1813, book "B" in 1817, book "C" in 1818, book "D" in 1820, book "E" in 1822, etc.

Book 1 of wills has 280 pages, begins with the will of Charles Conway, made February 7, 1813, and ends with that of Susan T. Dade, September 28, 1837.

Book 1 of minutes of the orphans' court has 593 pages. It begins with a session on January 18, 1814, Josiah Blakely presiding justice, and Benjamin Dubroca and Lewis Dolive justices of the quorum, the first act being in the administration of the estate of Charles Conway, deceased.

The chancery files do not begin until 1814, when Claire Carman, by her procchein amy, Robert Huston, sought an injunction of Hon. Harry Toulmin, esq., judge of the district of Washington, exercising equity jurisdiction, to protect her separate property, brought into the common stock or community by a marriage contract of 1801, under Spanish laws, from liability for her husband's debts. Samuel Acre was her solicitor. Next seems to be Eliphalet Beebe's bill for divorce from his wife Elizabeth, who refused to accompany him to Mobile and there "enjoy the comforts and blessings of matrimony," but "moved and instigated by the devil" remained in "the scenes of folly and crime" at New Orleans, living in adultery. But a jury found adversely to Eliphalet. The records of this court as distinguished from the circuit do not begin regularly until 1828 and 1839.

The circuit court records begin 1827, but there are many loose files of earlier date. As at present arranged the files do not go back of 1825.

These early books and records of American times have a double value, for they relate largely to Spanish people, titles, and customs, and yet show the gradual transition to American institutions and population. Many American names are really of people who came to Mobile in Spanish times and became well Hispanized. Of these Murrell, Kennedy, Hobart, and Blakely are prominent examples. The Latin element has gradually disappeared from view and the language from the streets, but it is still in the blood of many families, even of some who do not know it.

### III. MUNICIPAL RECORDS.

The functions and operations of municipal corporations, as local governmental agencies, are of such vital importance to the people grouped in city communities that to the history of their growth and development is attached the very highest interest. It will be seen that the records below are purely administrative in character. The municipal corporation in Alabama has never been charged with the duty of keeping registers of vital statistics, or of attention to a number of matters required of towns in the Eastern States. Town records here, therefore, are concerned chiefly with municipal routine, etc., and are only incidentally valuable for personal history.

With reference to the manuscript official records of the larger number of cities and towns not described below, it can doubtless be safely stated that they are incomplete and imperfectly kept.

#### 1. BIRMINGHAM.

On December 19, 1871, the city of Birmingham was incorporated. The first meeting of the city council was held December 22, three days later. The manuscript records and files are in excellent condition, their present orderly arrangement being due to the several city clerks.

#### MINUTE BOOKS.

- Vol. 1. December 22, 1871, to November 5, 1873. **Lost.**
- Vol. 2. November 19, 1873, to December 17, 1879.
- Vol. 3. January 7, 1880, to March 19, 1884.
- Vol. 4. April 2, 1884, to December 28, 1888.
- Vol. 5. January 2, 1889, to July 29, 1891.
- Vol. 6. August 5, 1891, to December 30, 1895.
- Vol. 7. January 15, 1896, to May 3, 1899.
- Vol. 8. May 17, 1899, to August 17, 1900.
- Vol. 9. September 5, 1900 —.

#### MINUTES OF THE TOWN OF HIGHLANDS.

January 18, 1887, to February 7, 1893. Folio. 1 vol.

## MISCELLANEOUS.

In the office of the city clerk are also preserved the books of the city auditor, tax assessor, tax collector, and treasurer. The records of these offices are practically complete from their institution.

Among the miscellaneous books and papers kept by the clerk are improvement ordinances, records of building permits, cemetery records, election records and papers, dog-tax records, estimates, fines and fees, inferior court reports, improvement ledger, judicial reports, license records, market records, meat and milk inspector's records, oaths of office, official reports, petitions, police reports, poll and street tax books and papers, prison reports, poundkeeper's papers, etc. There is also the original manuscript of the city code, adopted by ordinance of February 19, 1890.

## 2. EUFAULA.

Eufaula was settled about 1833, and incorporated in 1837 as "Irwinton." The name was changed to the present one six years later. No information has been obtained concerning its early records.

The following is a list of its manuscript minutes:

Record A. Period unknown. Lost.

Record B. March 2, 1870, closing April 29, 1873. 400 pages.

Record C. May 8, 1873, closing December 31, 1878. 588 pages.

Record D. January 7, 1878, closing January 31, 1884. 588 pages.

Record E. February 19, 1884, closing December 10, 1889. 588 pages.

Record F. January 7, 1890, closing December 5, 1900. 598 pages.

## 3. HUNTSVILLE.

The little village which grew up about the "Big Spring," in Madison County, was called "Twickenham" by act of December 23, 1809, but on November 25, 1811, the name was changed to Huntsville. On December 9, 1811, the latter was incorporated, and since that time a municipal organization has been maintained. The location and condition of the early records, from 1811 to 1828, has not been ascertained.

No manuscript ordinance books are kept, all ordinances being entered at length in the minutes.

The following list represents the manuscript minutes:

- No. 1. February 1, 1828, to August 19, 1834, inclusive. 348 pages.
- No. 2. August 19, 1834, to June 27, 1837. Missing.
- No. 3. June 27, 1837, to December 26, 1843, inclusive. 375 pages.
- No. 4. December 26, 1843, to December 22, 1853. Missing.
- No. 5. December 22, 1853, to February 28, 1862, inclusive. 502 pages.
- No. 6. March 4, 1862, to April 13, 1870, inclusive. 540 pages.
- No. 7. April 13, 1870, to August 3, 1872, inclusive. 438 pages.
- No. 8. September 17, 1872, to April 9, 1877, inclusive. 597 pages.
- No. 9. April 9, 1877, to April 10, 1882, inclusive. 546 pages.
- No. 10. April 10, 1882, to December 28, 1891, inclusive. 579 pages.
- No. 11. January 5, 1892, up to and including November 13, 1900. 430 pages.

#### 4. MOBILE.

The city of Mobile has the longest continuous existence of any settlement on the Gulf coast. The source material of its annals is abundant. Its history has been excellently delineated by Peter J. Hamilton in *Colonial Mobile* (1897, 8vo. pp. 446), in which appear passim critical estimates of all authorities published and in manuscript. In its preparation the author had access to material hitherto unused, and his work renders necessary the readjustment, in many particulars, of the popular narratives of the early history of the Gulf States. For the later period, Owen's *Bibliography of Alabama* contains full references to practically all printed material, as directories, codes, maps, schools, histories and churches.

In his *Charter and Code of Ordinances* (1897), Mr. Hamilton, among other things, presents full lists of the "city charters," "maps of Mobile," "streets," and "president and mayors," 1814-1897. The official records are given by Mr. Hamilton, as follows (pages 420-421):

(Guardhouse and other dockets, account books, etc., are of temporary value and are not included. The numbers, etc., are those marked on the books, so far as marked at all.)

#### A. Minutes.

Commissioners of town of Mobile, 1, 1814-1819.

- 1. Mayor and aldermen of city, 1820(?) - 1824. (Mutilated.)
- 2. Mayor and aldermen of city, 1824-1829. (Mutilated.)
- 3. Mayor and aldermen of city, 1829-1832. (Mutilated.)

4. Mayor, aldermen, and common council, and each board, April 5, 1839, to September 23, 1842. (Mutilated.)
5. Mayor, aldermen, and common council, 1839(?) to November 30, 1844. (Mutilated.)
6. Mayor, aldermen, and common council, April 1, 1839, to September 5, 1843. (Mutilated.)
7. Board of aldermen, September 19, 1843, to September 2, 1847. (Mutilated.)
8. Board of common council, December 5, 1844, to 1849. (Mutilated.)
9. Board of aldermen, 1850-1855. (Mutilated.)
10. Board of common council, May 6, 1853, to 1859.
11. Board of aldermen, 1855-1857.
12. Board of aldermen, 1857-1861.
- A1. Aldermen, October 17, 1861, to 1866.
- A2. Aldermen, February, 1867, to 1869. (Mutilated.)
- A3. Aldermen, August 1, 1871, to 1874. (Mutilated.)
- A4. Aldermen, 1875 to March 14, 1879.
- C1. Common council, 1859-1866. (Mutilated.)
- C2. Common council, 1866-1871.
- C3. Common council, 1871-1878.
- C4. Common council, 1878 to March 13, 1879.
1. Port police commissioners, March 15, 1879, to 1882.
2. Port police board, March 20, 1882, to 1885.
3. Port police board, 1885-1887.
4. General council, March 21, 1887, to 1890.
5. General council, 1890-1894.
6. General council, 1894-1897.
7. General council, 1897-
15. Board of councilmen, April 1, 1887, to February 10, 1897.
16. Board of aldermen, April 8, 1887, to March 3, 1897.

**B. *MS. ordinance books.***

- Board of commissioners, March 16, 1814, to August 14, 1821.  
 Mayor and aldermen, December 19, 1821, to March 3, 1825.  
 Mayor, aldermen, and common council, January 9, 1854, to October 10, 1863.  
 Same, August 9, 1866, to December 24, 1867.  
 Same, resolutions, January 3, 1871, to February 14, 1879.  
 Mayor, aldermen, and common council, April 1, 1870, to February 10, 1897.
17. Mobile police board, March 15, 1879, to February 8, 1887.
  18. Mayor and general council, March 21, 1887, to April 6, 1895.
  19. Mayor and general council, June 5, 1895, to —.

## 5. MONTGOMERY.

Montgomery was incorporated by an act of December 3, 1819, which consolidated the two villages of New Philadelphia and East Alabama. M. P. Blue, in 1878, prepared a history of the city, "with a summary of events in that history calendarically arranged." Recently Dr. George Petrie, of the chair of history, Alabama Polytechnic Institute, Auburn, has published a valuable sketch of the city in *Historic Towns of the Southern States* (1900). Messages of the mayor, with official reports, have been published at least since 1876-77. For bibliography of directories and official publications, see Owen's *Bibliography of Alabama*, *passim*.

## MANUSCRIPT RECORDS.

Records of the corporation of Montgomery from 1820 to 1834. "A." Folio. 1 vol. (First entry is the act of incorporation, December 3, 1819, and the first meeting of January 3, 1820.)

Records. "B." 1834-1838. Folio. 1 vol.

Records. "C." 1838-1846. Folio. 1 vol.

Records. "D." 1846-1850. Folio. 1 vol.

Records. "D2." 1850-1852. Folio. 1 vol.

Records. 1852-1856. (Common council.) Folio. 1 vol.

Records. 1852-1856. (Mayor and aldermen.) Folio. 1 vol.

Records. "G." 1856-1860. Folio. 1 vol.

Records. "H." 1860-1866. Folio. 1 vol.

Records. 1866-1873. Folio. 1 vol.

Records. 1873-1877. Folio. 1 vol.

Records. 1877-1882. Folio. 1 vol.

Records. 1882-1884. Folio. 1 vol.

Records. 1884-1888. Folio. 1 vol.

Records. 1888-1891. Folio. 1 vol.

Records. 1891-1893. Folio. 1 vol.

Records. 1893-1895. Folio. 1 vol.

Records. 1896-1898. Folio. 1 vol.

Records. 1898-1900. Folio. 1 vol.

Records. 1900 (current). Folio. 1 vol.

## SCRAPBOOK MINUTES.

The regular proceedings of the council are required to be published in some newspaper of the city. These are preserved in bound form, as follows:

1879-1884. Folio. 1 vol.

1884-1893. Folio. 1 vol.

1893-1900. Folio. 1 vol.

1900 (current). Folio. 1 vol.

## ORDINANCE BOOKS.

Digest of town ordinances. 1820-1836. Folio. 1 vol.

Book, 1836-1838, if any, not found.

"C." Ordinances. 1838-1850. Folio. 1 vol.

Books, 1850-1875, if any, not found.

Ordinances. 1875-1900. Folio. 1 vol.

The first ordinance bears the number 234.

## MISCELLANEOUS OFFICIAL RECORDS.

In the office of the city clerk are preserved the official records of the city treasurer, city tax assessor, and the city tax collector, but for what period has not been ascertained.

## IV. RECORDS OF FEDERAL OFFICES IN ALABAMA.

## 1. LAND OFFICE.

All Federal land records are in the United States land office at Montgomery. It has the records of defunct or discontinued offices, lists of which appear below. As will be seen, *supra*, many old land records are in the office of the secretary of state, Montgomery. Others are in the general land office, at Washington. The following is a list of the several land offices established in Alabama, with dates when formed, and when removed or discontinued:

Location.	When established.	Removed or discontinued.
St. Stephens .....	Mar. 8, 1808 .....	To Mobile, 1807.
Huntsville (originally established at Nashville, Tenn., and afterwards located at Huntsville).	Mar. 8, 1807, but opened July 27, 1810.	To Montgomery, 1906.
Cahaba (originally located at Milledgeville, Ga.).	Mar. 8, 1815 .....	To Greenville.
Tuscaloosa .....	May 11, 1820 .....	To Montgomery, 1866.
Conceh Court House, Sparta .....	do .....	To Elba.
Montgomery .....	July 10, 1832 .....	Now active.
Montevallo, Mardisville .....	do .....	To Lebanon.
Demopolis .....	Mar. 2, 1833 .....	Mar. 30, 1866.
Lebanon .....	Apr. 12, 1842 .....	To Huntsville.
Elba .....	Apr. 1, 1854 .....	Apr. 11, 1867.
Greenville .....	June 16, 1856 .....	May 11, 1893.
Mobile .....	From St. Stephens.	To Montgomery, June 25, 1879.

The land office at Montgomery has been in continuous operation since its establishment, July 10, 1832. It is now a consolidated office, the business of all offices heretofore established in the State being thrown to it.

The following is an approximate list of its records, except as noted below:

**RECORD BOOKS.**

**Tract books. Folio. Vols. 1-47.**

Not by counties, but by townships and ranges.

**Plat books. Vols. 1-21.**

**Register of entries. Folio. Vols. 1-12.**

Homestead entries, Nos. 1-34151, May 26, 1866, to December 31, 1900.

**Register of final entries. Folio. Vols. 1-6.**

Homestead entries, Nos. 1-18293, January 16, 1872, to December 31, 1900.

**Register of cash certificates. Folio. Vols. 1-4.**

Nos. 15368-26724, May 15, 1866, to December 31, 1900.

**Patent record. Folio. 1 vol.**

August 2, 1884, to December 31, 1900.

**Contest dockets. Folio. 6 vols.**

December 18, 1879, to December 31, 1900.

**Abstract of land warrants. Folio. 1 vol.**

For lands to officers and soldiers in the war of 1812, the Indian, and the Mexican wars.

**OFFICIAL CORRESPONDENCE.**

**Abstracts of communications from the general land office. Folio. 7 vols.**

Contains briefs of 16,787 official letters from the general land office, November 14, 1881, to December 31, 1900.

**Original letters received. Briefed and filed.**

These are complete from November 14, 1881, and irregular back of that date.

**Letter book. 4to. 1 vol.**

Contains long-hand copies of official letters sent out. viz, to general land office, September 30, 1846, to April 17, 1861: and to commissioner of public lands, Montgomery, June 30, 1861, to December 31, 1864.

**Miscellaneous letter copying books. 4to.**

Vols. 1-35. July 7, 1877, to 1894.

Vols. 1-42. February 5, 1894, to December 31, 1900.

**Department letter copying books. 4to.**

Vols. 1-22. September 2, 1889, to December 31, 1900.

**EARLY RECORDS.**

In addition to the foregoing records in current use, with the volumes preceding them in this particular office, the early records and files of the now discontinued offices named above



are to be found here. These number probably more than one hundred volumes, dating from the establishment of these several offices, but they appear to be irregular and not complete. There are also several thousand files of papers from these offices.

Some of these old records, from their early date and probable historical value, are here noted, viz:

Books of the land commissioners appointed under act of March 3, 1803, for receiving and adjusting claims, etc., in the district east of Pearl river. Folio. 4 vols.

Includes papers, etc., connected with land transactions from 1710 to after 1800.

Spanish grants. Folio. 1 vol.

Covers various grants, 1763-1803. Apparently similar to volume of same designation in the secretary of state's office. The volume contains a certificate, dated November 1, 1834, signed by Edwin Jay Osborne, stating that it was "copied and translated from the originals, which are now deposited in the office of the county court of Mobile County."

Translated records. November 12, 1715, to January 18, 1812. Folio. 1 vol.

Similar to volume in secretary of state's office. Made by Joseph E. Caro, under act of January 9, 1833.

Journal of the land office east of Pearl river, at St. Stephens, December 26, 1806, to May 30, 1814. Folio. 1 vol.

There are also later volumes of this series, besides many of other series.

Journal of the receiver's office at Milledgeville, Ga., August, 1817, to November, 1818. Folio. 1 vol.

Sales of lands in the vicinity of Montgomery. Contains names and residences of purchasers. Removed to Cahaba, December, 1818.

Register of receipts, cash entries, at the Tuscaloosa land office. July 2, 1821, to February 25, 1835. Folio. 1 vol.

Contains list of purchasers of lots in the city of Tuscaloosa, places of residence, with prices paid.

#### OLD HUNTSVILLE LAND OFFICE RECORDS.

In 1905 the land office at Huntsville, which had been open since 1810, was closed, and all of its records, books, and papers were placed in the Montgomery land office, thus making but one in the State. These records have not been listed.

## 2. UNITED STATES COURTS.

## HUNTSVILLE.

The first record in the district court of the United States for the district of Alabama commences the second Monday in July, 1824, Charles Tait presiding judge. The next term appears to have been held October 2, 1826, William Crawford presiding, from which date until the November term, 1846, all courts are held by him. Further records are not found until November, 1865, at which time Richard Busted was presiding judge, and from that date the records are quite complete. There are no records or files before July, 1824, nor from November, 1846, to November, 1865, and no records showing the holding of the court at any other place.

Minute books, district court. 8 vols.  
Minute books, circuit court. 13 vols.  
Final records, district court. 8 vols.  
Final records, circuit court. 35 vols.

## MONTGOMERY.

United States district courts were first required to be held at Montgomery by act of Congress, August 7, 1848. Terms of the United States circuit court were provided by act of March 3, 1873. The counties grouped about Montgomery are known as the middle district. The records of this court are reported by the clerk as incomplete. Those now in the office are as follows:

Minute books, district court. 7 vols.  
Minute books, circuit court. 13 vols.  
Final records. 53 vols.

## BIRMINGHAM.

By act of Congress May 2, 1884, the southern division of the northern district was created, and terms of the United States circuit and district courts were required to be held for the division at Birmingham. The various books, records, and files of both courts are complete and carefully arranged.

Minute books, circuit court. "A" to "K." 11 vols.  
Minute books, district court. "A" to "G." 7 vols.  
Final records, circuit court. "A" to "Z." 26 vols.  
Final records, district court. "A" to "B." 2 vols.

## MOBILE.

The earliest record of the United States court at Mobile now to be found is a docket extending from March 1, 1821, to 1824, the first entry being of *Hallett & Butler v. Lewis Judson*. There has been seen a volume of minutes of 1819, but the earliest now to be located begins with the May term, 1827, extending to December, 1830, district court, for civil and criminal cases. William Crawford was judge. A mandate of affirmance by the Supreme Court on the minutes is signed by John Marshall.

No files of papers antedate the war.

Records of both courts since 1865 are nearly complete.

The district court of the Confederate States at Mobile convened April 18, 1861, William G. Jones, judge, and John A. Cuthbert, clerk, both reappointed from the old court. On that day took the oath George N. Stewart, R. H. Smith, and William Boyles. Next day Peter Hamilton, Thomas A. Hamilton, and others similarly qualified. The first case was on April 20, 1861, which stood on appeal to the old United States circuit court, and after argument docketed in the Confederate court, and affirmed. This was *William A. Freeborn & Co. v. Ship Protector*. The first original case was *James K. Phelps v. Schooner Smith Townsend*, which was condemned. The last entry was April 6, 1865.

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V. MISCELLANEOUS.

## I. CATHOLIC CHURCH RECORDS AT MOBILE.

Official representatives of the Holy Roman Church were with the first colonists in 1699 on the Gulf coast of what is now Alabama. In 1704 the Catholic Church at Mobile was instituted, from which time to the present it has had a continuous existence. The vicarate apostolic of Alabama and Florida was created August 26, 1825. On May 15, 1829, the present diocese of Mobile was established. Prior to 1825 the territory embraced in Alabama had been in part under the diocese of Louisiana and the Floridas, and under the jurisdiction of the archbishop of Baltimore. The diocesan rec-

ords are complete, and are in the custody of the bishop at the Episcopal residence, near the cathedral, at Mobile. These cover all of the business of the diocese.

By far the longest continuous series of records in the State are the records of the cathedral at Mobile. They are of the greatest historical value. Except so far as used as a basis of Hamilton's *Colonial Mobile* (1897), and more slightly for Shea's *Catholic Church in Colonial Days*, they have never been published. In addition to official church records proper, they consist of baptismal registers and death registers.

Taking up the French baptismal registers, there are several volumes extending from 1704 to 1764, inclusive. They are not large books, several being bound together. They are on old and thin paper, in provincial French, bad handwriting, and poor ink, with the result that they are often very difficult to read. The first volume opens with the famous induction of De la Vente by Father Davion, by whom it is subscribed, as well as by Bienville and Boisbriant, on September 28, 1704. The oldest entry, however, is on the next page, being a statement or certificate by Davion, September 6, 1704, that "there has been baptized a little Apalache child by me the undersigned apostolic missionary, Davion."

On the 18th of the same month was baptized a little Indian slave by De la Vente. The child died and was buried the same day. On the 19th another Indian slave was baptized by Alexander Huvé. These three priests took a large part in the early settlement of Mobile.

Thence on are baptisms mainly of slaves, the first white child mentioned being on October 4, 1704. The entries in each case give the father's and mother's name, as well as date, and are all at Fort Louis de la Mobile, that is, at what is now called Twenty-seven Mile Bluff. The occupation of the father, and the maiden name of the mother is often given, as well as the name of the priest officiating. These few hundred pages afford a very complete idea of the names and occupations and family relations of the colonists, and frequently of the officers and soldiers also. There is apparently something for every year except 1706. The record is practically complete,

although of course fuller for some years than others. The tribal names of the Indian slaves give a kind of running commentary on the wars waged by the French.

There are some few entries of laws on various subjects, practically all ecclesiastical. The signatures of parents, sponsors, and witnesses are numerous as well as interesting. Occasionally an apostolic vicar passes through from Quebec or elsewhere, and the different orders of priests and missionaries from time to time throw light upon the ecclesiastical divisions of the country. After the first few years occur a great many marriage entries, and places of residence show the gradual growth of the colony. In fact, it would be difficult to mention anything upon which light is not thrown by these records. There is, for instance, not infrequent mention of the practice of *ondoyer*—that is, baptism administered in extremis by laymen. In 1741 there is recorded the dedication of the church, which had been built completely anew. As it was on the date of the nativity of the Holy Virgin, it was dedicated to her, and during the French times ever afterwards called for her.

Another ecclesiastical record, but much less elaborate, is the death register, which begins regularly in 1726. This shows a good many of the same facts mentioned in connection with the baptismal register, and also sometimes the pallbearers, giving frequently the occupation of those concerned. Despite the jealousies of the other orders, once in a while we find in these records a Jesuit—for instance, in 1733, Pierre Vitry supplying the place of Mathias, the regular Capuchin curé.

Sometimes it is mentioned that a person dying received the sacraments of the church. On October 24, 1754, there is this mention in the death and burial of De Beauchamps, Chevalier, a lieutenant of the King and commandant of the department of Mobile, who died the afternoon before, after having received the sacraments of the church "with edification." At his funeral Kerlerec, governor of the province, and all of the officers assisted, there being 14 signatures of prominent men. There were French and Swiss soldiers and those from other countries. Most of the companies are called by the name of their commanders, but are sometimes spoken of as

detached. They are occasionally spoken of as the "reformed faith"—that is, Protestants.

In British times the registers are less voluminous. The bulk of the population remained French and Catholic, but many of the leading citizens and people of wealth were, of course, Protestant. There were Episcopal ministers, but their church records have not survived. January 6, 1765, George Johnstone stood godfather at a baptism of the son of a merchant, and signs his name with a great flourish in the Catholic register. Johnstone was at that time captain-general and governor of the British province of West Florida. A good many witnesses are British.

The Spanish records are similar in character and are embraced in several volumes. They are harder to read and are kept with much less care. Mobile at that time had not the same relative position that it had under the French and British. The Spanish mortuary register begins March 12, 1780, its heading indicating that the name of the parish had been changed to that of the Purissima Conception, a name which translated into English it has ever since held. From 1793 there is a separate register for negroes. This had not been the case under the French, and would seem to be due to the fact that under the French all were slaves, while under the Spanish we have a great many free negroes. But many slaves are also mentioned in the registers. These Spanish records, like the French, give the names of people, with their occupations, and often their signatures, and the officers also appeared frequently. Of course the regular succession of priests can be readily made out. They are Spanish, with an occasional French in later times, until the church was reorganized in 1822. The constitution effecting this is found at the end of one of the books. From about that time the records are kept regularly in English.

## 2. MASONS.

The several Masonic bodies in Alabama have an honorable history. The first lodge instituted in the State was Madison lodge, No. 21. On August 29, 1811, the dispensation was granted by the grand master of Kentucky, and on August 28, 1812, a charter issued. Subsequently eleven others were

organized under six different grand lodges. Three became extinct, and with the remaining nine the grand lodge of Alabama "was duly established" at Cahaba, June 14, 1821.\*

A grand chapter was organized at Mobile, May 21, 1823; the grand council was organized at Tuscaloosa, December 13, 1838, and the grand commandery was organized at Montgomery, November 29, 1860.

All of the foregoing have regularly published the proceedings of their annual and other sessions, except the grand council, which ceased publishing in 1893.

#### MANUSCRIPT RECORDS.

The account given herewith of the manuscript official and other records in the grand lodge is supplied by William H. Dingley, grand treasurer, the best living authority on Masonic history in the State:

(1) The minutes of the first communication of the grand lodge in June, 1821, with the constitution signed by all of the delegates, also the proceedings from 1846 to 1856 inclusive, are preserved, since which time the rough minutes only have been made. The original reports and papers are on file.

The treasurer's and secretary's account books appear to be complete.

All of the above are printed in full with the proceedings.

These proceedings have been printed and published since the organization of the grand lodge annually (except 1832 and 1835, when no communications were held). These are all on file, except for the years 1829 and 1839. A manuscript copy from the organization to 1834 has been made from the printed copies.

(2) Dispensations for new lodges, together with petitions for the same, appear to be complete.

(3) The annual reports of the local lodges to the grand lodges are all preserved from 1821 to the present time, together with all letters, petitions, etc., complete.

(4) The record books of many lodges that are now dormant or extinct are in the office of the grand lodge. The

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\* In the Proceedings of the Grand Lodge of Alabama, 1897, pp. 213-245, is an historical table of all lodges ever instituted in the State.

records of local lodges have been frequently destroyed by fire, but how many and of what lodges we have no means of ascertaining, as no record has been kept.\*

The following lodges have placed their old records with the grand lodge for safety, viz, Rising Virtue, No. 4, Tuscaloosa; Montgomery, No. 11, Montgomery, and Dale, No. 25, Camden.

(5) The grand lodge has a register of all persons who have been connected with the fraternity since its organization.

#### MASONIC HISTORY.

In 1869 Samuel H. Dixon, Masonic historian, deposited with the grand lodge, where it is now on file, a large amount of valuable Masonic historical data. Concerning the work, December 8, 1868, he reports:

My investigations have disclosed that the lapse of time, the ruthless hand of war, and devastation by fire have destroyed most of our old records; but it is with pleasure I announce that, notwithstanding all these calamities, I have, in a great measure, been able to rescue from that oblivion to which all things earthly tend the early history of Masonry in Alabama.

When I entered upon my duties as historian of Masonry in Alabama, I determined to compile a full and complete history of every lodge in the State, defunct or living, and the history of the grand lodge, with an abstract of its most important proceedings. This I find to be a herculean task, but by diligence and perseverance I hope to accomplish the desired objects.

In addition to obtaining statistical information of the various lodges I have endeavored to collect interesting incidents connected with their history, and particularly to preserve the material necessary for biographical sketches of the fathers of Masonry in Alabama and other working, zealous Masons who have illustrated and adorned the cardinal virtues, the tenets of our profession, and the general principles of our order.

#### 3. UNIVERSITY OF ALABAMA.

The university of Alabama, as the "seminary of learning" contemplated by the constitution of 1819, was established by act of the general assembly December 18, 1820.

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\* Prior to 1857 the records of Mobile Lodge, No. 10, had been destroyed. (Proceedings Grand Lodge of Alabama, 1857, p. 11.) On November 25, 1858, the hall of Union Lodge, No. 50, Uniontown, "was destroyed by fire," "including a total loss of the jewels, furniture, and chart of said lodge." (Ibid., 1858, p. 132.)



The first meeting of the trustees was held April 6, 1822. The general assembly December 29, 1827, selected Tuscaloosa as the seat for the institution, and on March 22, 1828, the trustees selected the present site for the erection of the buildings. Dr. Alva Woods, the first president, was inaugurated April 12, 1831, and on the 17th of the same month the university was opened for the admission of students.

The printed material concerning it is voluminous. Its official publications consist of catalogues, laws, and regulations, reports to the board of regents, trustees' reports, and alumni registers. There are also the University Monthly, 1873-1887, 14 volumes; University Journal, 1891-1893, 4 volumes; The Crimson-White, 1894-1905, 12 volumes, and the Corolla, 1893-1905, 13 volumes, besides many miscellaneous documents. Approximately full sets of these are on file in the university library. For full lists see Owen's Bibliography of Alabama, pages 1213-1221.

The lists below embrace the official manuscript records, so far as preserved by the institution. Each entry represents a single volume.

#### TRUSTEES.

Ordinances and resolutions of the board of trustees. 1822, to December, 1841.

Ordinances and resolutions from 1842 to July, 1849, and 1853 to 1855.

Trustees' record, 1877-1888.

Trustees' record, 1888-1895.

Trustees' record, 1895-.

Minutes of executive committee.

#### PRESIDENT AND FACULTY.

Faculty minutes, 1878-1880.

Faculty record, 1880-1893.

Faculty record, 1893-1899.

Faculty record, 1899-.

Students' record, 1871-1895.

Students' record, 1896-.

President's reports, 1883-1888.

President's ledger, 1898-99.

List of permits, March, 1898, to February, 1899.

List of permits, April, 1897, to March, 1898.

**LANDS.**

Tract book. 1 vol.

A copy of the tract descriptive book of lands of University of Alabama. (Act of Congress, 1884.)

Lands of University of Alabama. (Act of Congress, 1884.)

Account sales of university lands, containing separate account of each purchaser.

Sales of lots, Tuscumbia.

Sales of lots, Montevallo.

Land sales. (Original grant.)

Agent's accounts.

Special register of land department, University of Alabama, June, 1896-97.

**STUDENTS.**

Matriculates, 1831-1837; and resolutions of faculty, 1831-1835.

List of graduates, 1831-1862; and roll of students, 1859-1865.

Matriculation book, 1887-1897.

Applications for matriculation, 1897-98.

Applications for matriculation, 1898-99 and 1899-1900.

**MISCELLANEOUS.**

Reports of B. F. Porter (agent of the trustees), 1835.

Docket of bank cases sued by B. F. Porter, 1842.

Treasurer's ledger, 1819-1822.

Miscellaneous ledger, 1883-1891.

**4. GEOLOGICAL SURVEY OF ALABAMA.**

The headquarters of the geological survey of Alabama are at the State University. Here its large and valuable collections are deposited, the museum forming one of the most valuable and attractive features of the institution. The first State geologist was Prof. Michael Tuomey, who begun his first explorations July 13, 1847, although he was not officially named until January 4, 1848. The reorganization of the survey after the war was effected under the act of April 13, 1873, with Dr. Eugene Allen Smith as the second State geologist. He still ably retains his position. Full lists of the publications of the survey to 1897 are noted in Owen's Bibliography of Alabama, as also those on geological and other subjects by Professor Tuomey, Doctor Smith, T. H. Aldrich, Otto Meyer, Dr. Charles Mohr, Dr. Henry McCalley, Daniel W. Langdon, and others.

Doctor Smith has prepared an account of the collections of the survey to 1900, which is here given. It has no manuscripts of value.

1. *Mineral collection*.—One thousand six hundred specimens in 7 glass cases, and some 1,000 or more specimens for class purposes arranged in drawers below the show cases.

2. *General geological collection*.—(1) Educational series of rock specimens from the United States Geological Survey, 1 glass case, 156 specimens; (2) 1 glass wall case with 1,000 specimens of New Hampshire rocks and crystalline rocks from other localities; (3) 3 glass-front wall cases containing about 8,000 specimens of fossils, sedimentary rocks, etc., illustrating the various geological formations of the United States and Europe; (4) 1 glass-front wall case with 800 specimens of concretions, and other illustrations of geological structures.

3. *Collections illustrating the geology of Alabama*.—One glass-front wall case containing 50 specimens of Alabama coal plants; 1 glass case with Alabama clays, 20 varieties; 350 drawers containing specimens of rocks, fossils, minerals, shells, etc., mainly from Alabama, though other localities are represented; 2,000 cigar boxes and pasteboard boxes filled with fossils and other specimens, mainly from Alabama. It is impossible to estimate the number of species represented or the actual number of specimens, but they go into the thousands.

4. *Indian relics*.—Two glass cases containing some 300 specimens of pipes, bowls, arrowheads, and stone axes.

5. *Zoological collection*.—(1) Two glass wall cases with specimens of fish, snakes, turtles, corals, marine shells, aggregating, perhaps, 2,000 specimens; (2) 2 glass cases containing the Schowalter collection of marine and fresh-water shells, 800 specimens; (3) Avery collection of the birds of Alabama, 900 specimens representing some 300 species, contained in zinc-lined drawer cases, made moth proof.

6. *Botanical collections*.—(1) Mohr Herbarium of Alabama plants, 2,500 species of flowering plants and ferns; 900 species of fungi, lichens, and mosses, in a case of special construction; 150 specimens of the native woods of the State displayed in form of books, in glass show cases; 156 glass-front deep frames with pressed specimens of the fruit, foli-

age, and flowers of the timber trees of the State. (2) Peters collection—(a) Alabama fungi, 550 specimens; Alabama lichens, 110 specimens; species of the genus *Carex*, 200 specimens; (b) general collection of fungi, 500 species; mosses and algæ, 133 species; lichens, 150 species. These were the gift of the late Judge T. M. Peters.

7. *Collection of soils, marls, phosphates, etc.*—In glass jars, 500 jars.

8. *Large show specimens.*—Various articles, as trunks of lepidodendron, sigillaria, calamites; large masses of limestone, red and brown iron ores, and petrifications, outside the museum, and arranged along the walls inside, including also large bones of dinosaurs, zeuglodon, etc.

It might be safely estimated that the number of different species in the above eight lists are one-third of the number of specimens.

#### 5. MOBILE COTTON EXCHANGE.

The Mobile cotton exchange, the outgrowth of a casual conference at a restaurant dinner, was organized December 7, 1871. It is the third of the kind organized in the United States, those of New York and New Orleans antedating it.

Its records and papers are in the custody of the superintendent. They relate to cotton movement and fluctuation; financial, commercial, and industrial information. They number about 300 volumes and are of much value. They embrace 65 bound volumes of the New York Commercial and Financial Chronicle, 1871-1901, with later issues. It has some data extending to 1819.

A list of its presidents, with other information, is given in the Mobile Register, January 31, 1895.



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## GEORGIA LOCAL ARCHIVES.

By ULRICH B. PHILLIPS, Ph. D.

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### 1. THE ARCHIVES OF OGLETHORPE COUNTY.

The more important records of Oglethorpe county are, as usual in the Georgia counties, to be found in the offices of the county clerk and the ordinary. These offices are in the courthouse in the town of Lexington, which has been the county seat since soon after the county was organized in 1794. Each of these offices is provided with a fireproof vault, in which the records are kept

#### A. RECORDS IN THE OFFICE OF THE COUNTY CLERK.

Minutes of the superior court, 1794 to the present.

These records are in excellent condition, many volumes having been rebound. A large amount of court business is noticeable about the year 1809. This was due, perhaps, to the depression consequent upon the restriction of foreign exports.

The following documents illustrate the character of court business in the early years. They are selected from the minutes of 1794, 1795, and 1797—

*Lilham & Moore vs. Joseph Wilson. Case 1794.*

I do confess judgement of the some of eight pounds and ten pence half penny, with cost, with five months stay of execution, to be discharged on the payment of good proof peach brandy, delivered at the town of Washington, if paid by the time at 4s/8 p per gallon.

JOSEPH WILSON.

Test.

McMATHEWS.

We, the Grand Jury for the County of Oglethorpe, make the following presentments:

We present as a grievance, the neglect of commissioners in ascertaining the center of the county and fixing on a place for the public buildings, and as roads, buildings, etc., appears properly to come

before the Honorable the Inferior Court, and we know not how far they have taken up the business; therefore we recommend to the next Inferior Court to be held for the county to take the business fully under their investigation, and appoint Commissioners for laying out and keeping in repair all necessary roads for the convenience of the county at large, as we conceive we cannot do anything in that business until the public buildings are fixed.

We return our thanks to His Honor, the Judge, for his judicious charge to the Grand Jury and for his particular attention to the business of the county.

Given under our hands and seals June Term, 1794.

JOHN LUMPKIN, F.	(L. S.)	JOEL HURT,	(L. S.)
JOHN MARKS,	(L. S.)	JESSE CLAY,	(L. S.)
ANDREW BELL,	(L. S.)	JOHN COLLIER,	(L. S.)
CHARLES HAY,	(L. S.)	ISAAC COLLIER,	(L. S.)
RICH GOOLSBY,	(L. S.)	JOHN SHIELDS,	(L. S.)
JOHN GARRETT,	(L. S.)	PRESSLEY THORNTON,	(L. S.)
JEFFREY EARLY,	(L. S.)	HUMPHREY EDMONSON,	(L. S.)
WILLIAM POTTS,	(L. S.)	JAMES NORTHINGTON,	(L. S.)
ROBERT MCCORD,	(L. S.)		

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SATURDAY, 14th June, 1794.

The Court met according to adjournment. Present Judge Stith.

The State *vs.* Charles Cavenat. Indicted for Negro Stealing.

The prisoner being convicted on an indictment for negro stealing on motion of the Attorney-General, was brought to the bar, to receive sentence, and it was demanded of him, if he had ought to say why judgment of death should not be pronounced on him, and nothing being said to the contrary, it is ordered and adjudged by the court that the said Charles Cavenat be remanded into the custody and safe keeping of the Sheriff, and there to remain until the second day of July next and on the said second day of July next, between the hours of eleven of the clock in the forenoon, and two of the clock in the afternoon of the same day, the said Charles Cavenat shall be carried to the place of execution and then and there be hanged by the neck until he be dead.

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The State *vs.* Elijah Pope. Indictment Arson.

The prisoner being convicted on an indictment for the crime of Arson, on motion of the Attorney-General, was brought to the bar to receive sentence, and it was demanded of him, if he had ought to say why judgment of death should not now be pronounced

against him, and nothing being said to the contrary, it is ordered and adjudged by the court that the said Elijah Pope, be remanded into the custody and safe keeping of the Sheriff, and there to remain until the second day of July next, and on the said second day of July next between the hours of eleven of the clock in the forenoon and two of the clock in the afternoon of the same day, the said Elijah Pope shall be carried to the place of execution and then and there to be hanged by the neck until he be dead.

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The State *vs.* William Fletcher, James Murphey, William Shropshire. Indictment for Deceit.

The defendant being brought to the bar to be tried the following jury was sworn, to-wit:

1 George Taylor,	7 James Thompson,
2 Robert Galasby,	8 Isham Davis,
3 Henry Potts,	9 Arch Pope,
4 Thomas Loyd,	10 Thomas Swan,
5 Hugh Roan,	11 John Hattaway,
6 Jesse Starky,	12 William Biers.

Who return the following verdict,

"Shropshire acquitted, Fletcher and Murphey guilty.

"GEORGE TAYLOR, *Foreman.*"

Whereupon it is ordered and adjudged by the court that the said William Fletcher and James Murphey be remanded to the custody and safe keeping of the Sheriff and there to remain until Monday next, on which day between the hours of eleven of the clock in the forenoon and one of the clock in the afternoon, be the said William Fletcher shall receive thirty-nine lashes on his bare back, at the public whipping post, and the said James Murphy, on the same day and between the same hours, shall receive twenty lashes on his bare back at the public whipping post that they pay the cost of prosecution and be discharged.

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The State *vs.* Thomas Hill. Indictment for retailing spiritous liquors without License.

The said Thomas Hill being found guilty by the petit jury:

It is adjudged by the court that the said Thomas Hill pay a fine of ten pounds, one half for the use of the county, and the other half to the use of Charles Laine, the Prosecutor.

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*Gentlemen of the Grand Jury:*

It is with more than common pleasure that I have met you to hold a court in the county of Oglethorpe, a name deservedly respected in a State, which was settled by himself; and one which



has proved equal to the passing through a revolution and becoming a member of a great and flourishing empire within the life of the first settler; a progress so rapid and a prospect before us so extensive and promising should operate upon the minds of all good men as a stimulus to effectuate exertions, to support good government by a prompt obedience to the laws and the discouragement of all practices subversive of order and the moral duties.

To assist in doing these, the Constitution and the laws have solicited the grand inquest twice a year that breaches of the peace in every degree and which comprehend every infraction of the public laws may be presented and put in the way of trials and punishment. In discharging your part of this duty, you will as your oath directs you divest yourselves as far as may be of the frailties of human nature, and act without favor, affection, or partiality on the one side, or of fear, hatred or malice on the other, and still more without any hope of reward from any quarters, whilst we ought not to spare our friend from attachment, we should detest ourselves to let the bad man escape through fear or any other consideration on this ground, I am thus emphatic because a criminal circulation of false papers of different descriptions, and the signs [?] of property in different ways is said to be prevalent, which operates, if true a breach of the laws an injury to the fair dealer and a disgrace to the States, should anything of this sort come to your knowledge, I have no doubt you will present it, and should that be the case you may rely upon the strict execution of the law on the part of the court.

GEORGE WALTON.

9TH OF JUNE 1795.

*Presentation of Grand Jury [1797].*

We the Grand Jury present the surveyors of the road leading from Phenizy's to Joseph Slatons.

We the Grand Jury present the surveyors of the road leading from Cherokee Corner to this place.

We the Grand Jury present Abner James James for retailing liquors without license and keeping a disorderly house.

We the Grand Jury present as a grievance that we have not our court-house and gaol built.

We the grand Jury present as a grievance that we have not a public bridge on the Dry Fork of Long creek where the road leading from this place crossing the Dry Fork at James Rutledge.

We the Grand Jury present that the patroll law is not more strictly attended to.

We the Grand Jury present as a grievance that we have not a public bridge on the Dry Fork of Long creek where the road crossing the creek leading from Allin's old Iron Works to Washington.

We the grand jury present a list of defaulters delivered to us by the Treasurer of tax returns.

We the Grand Jury return our grateful thanks to our last Legislature for their zeal and fidelity in favour of the inhabitants of this State in suppressing the iniquitous act passed at Augusta the seventeenth of January, One Thousand seven Hundred and Ninety Five, for disposing of our Western Territory.

We the Grand Jury return our Most grateful thanks to His Honor the Judge, for his Judicious charge given us and recommend it to be published in the State Gazette, together with these our presentments.

1 JOEL BARNETT, <i>Foreman</i> ,	11 WILLIAM POTTS,
2 THOMAS DUNN,	12 WILLIAM BLEDDJOE,
3 McMILNER,	13 THOMAS GILMER,
4 JAMES PARKS	14 J. I. STEWART,
5 RICHARGE HARTSFIELD,	15 WILLIAM WALKER,
6 JOHN FEMING,	16 THOMAS LOYD,
7 WILLIAM PANE,	17 SAMUEL COLQUITT,
8 WILLIAM STRAWTHER,	18 JOHN PEACOCK,
9 JOHN DUNN,	19 JOHN SMITH.
10 CHARLES SMITH,	

Records of the superior court, in several series, 1809-1814 and 1821 to the present.

Minutes of the inferior court, 1794-1866.

Records of the inferior court.

Minutes of the county court, 1866 to the present.

Records of the county court.

Dockets of the several courts, in various series and very numerous volumes.

Minutes of the county commissioners of roads and revenues, circ., 1880 to within recent years.

Records of deeds, 1794 to the present.

Tax digests, annually, 1794-1890.

Bound recently into substantial volumes.

The county of Oglethorpe, like that of Clarke, whose archives are treated in this report, and of Baldwin, treated in the report of last year, is located in the older part of the Georgia cotton belt. The lands in the Piedmont region east of the Oconee River had received a considerable sprinkling of population before the invention of the cotton gin; but the main development of the region was due to the growth of cotton production. The statistics contained in the above-mentioned tax digests may be used to demonstrate the character of the growth of slaveholdings and the plantation system in the community.

The following tabulations will illustrate the history of accretions in plantation slaveholdings:

## SUMMARY FOR 1794.

	Slaves each.		Slaves each.
119 owners.....	1	5 owners.....	13
73 owners.....	2	2 owners.....	14
23 owners.....	3	4 owners.....	15
32 owners.....	4	2 owners.....	16
23 owners.....	5	7 owners.....	17
20 owners.....	6	1 owner.....	18
11 owners.....	7	2 owners.....	19
9 owners.....	8	3 owners.....	20
15 owners.....	9	2 owners.....	22
10 owners.....	10	1 owner.....	24
15 owners.....	11	2 owners.....	25
12 owners.....	12	2 owners.....	26

Total, 395 slaveholders owned 1,980 slaves.

The average slaveholding in 1794 was 5.

## SUMMARY FOR 1800.

	Slaves each.		Slaves each.
143 owners.....	1	5 owners.....	15
68 owners.....	2	5 owners.....	16
61 owners.....	3	4 owners.....	17
42 owners.....	4	1 owner.....	18
41 owners.....	5	3 owners.....	19
33 owners.....	6	6 owners.....	20
14 owners.....	7	1 owner.....	21
16 owners.....	8	2 owners.....	22
17 owners.....	9	1 owner.....	24
14 owners.....	10	2 owners.....	25
7 owners.....	11	1 owner.....	28
15 owners.....	12	3 owners.....	29
10 owners.....	13	1 owner.....	31
6 owners.....	14		

Total, 522 slaveholders owned 2,788 slaves.

The average slaveholding in 1800 was 5.32.

SUMMARY FOR 1805.

	Slaves each.		Slaves each.
143 owners.....	1	6 owners.....	17
89 owners.....	2	1 owner.....	18
63 owners.....	3	2 owners.....	19
56 owners.....	4	1 owner.....	20
52 owners.....	5	3 owners.....	21
37 owners.....	6	1 owner.....	22
32 owners.....	7	2 owners.....	23
28 owners.....	8	3 owners.....	24
29 owners.....	9	2 owners.....	25
18 owners.....	10	3 owners.....	26
9 owners.....	11	2 owners.....	28
11 owners.....	12	1 owner.....	30
8 owners.....	13	1 owner.....	32
6 owners.....	14	1 owner.....	40
11 owners.....	15	1 owner.....	76
9 owners.....	16		

Total, 651 slaveholders owned 3,598 slaves.

The average slaveholding in 1805 was 5.37.

SUMMARY FOR 1810.

	Slaves each.		Slaves each.
171 owners.....	1	3 owners.....	21
76 owners.....	2	1 owner.....	22
69 owners.....	3	2 owners.....	23
59 owners.....	4	3 owners.....	24
50 owners.....	5	3 owners.....	25
45 owners.....	6	2 owners.....	26
37 owners.....	7	1 owner.....	27
36 owners.....	8	2 owners.....	29
35 owners.....	9	3 owners.....	30
36 owners.....	10	1 owner.....	31
17 owners.....	11	1 owner.....	32
16 owners.....	12	2 owners.....	33
18 owners.....	13	1 owner.....	34
13 owners.....	14	1 owner.....	35
12 owners.....	15	1 owner.....	39
8 owners.....	16	2 owners.....	40
5 owners.....	17	1 owner.....	46
8 owners.....	18	1 owner.....	48
6 owners.....	19	2 owners.....	68
6 owners.....	20	1 owner.....	73

Total, 757 slaveholders owned 5,255 slaves.

The average slaveholding in 1810 was 7.07.

## SUMMARY FOR 1815.

Slaves each.		Slaves each.	
132 owners-----	1	6 owners-----	22
71 owners-----	2	7 owners-----	23
83 owners-----	3	3 owners-----	24
57 owners-----	4	2 owners-----	25
39 owners-----	5	6 owners-----	26
35 owners-----	6	1 owner-----	27
45 owners-----	7	2 owners-----	28
32 owners-----	8	4 owners-----	29
22 owners-----	9	1 owner-----	31
20 owners-----	10	1 owner-----	33
25 owners-----	11	2 owners-----	36
21 owners-----	12	1 owner-----	38
12 owners-----	13	2 owners-----	41
11 owners-----	14	2 owners-----	42
18 owners-----	15	1 owner-----	45
7 owners-----	16	1 owner-----	52
11 owners-----	17	1 owner-----	58
5 owners-----	18	1 owner-----	61
8 owners-----	19	1 owner-----	75
7 owners-----	20	1 owner-----	77
2 owners-----	21		

Total, 706 slaveholders owned 5,457 slaves.

The average slaveholding in 1815 was 7.73.

SUMMARY FOR 1820.

	Slaves each.		Slaves each.
134 owners.....	1	4 owners.....	25
86 owners.....	2	5 owners.....	26
60 owners.....	3	2 owners.....	27
78 owners.....	4	3 owners.....	28
52 owners.....	5	2 owners.....	29
37 owners.....	6	3 owners.....	30
30 owners.....	7	6 owners.....	31
33 owners.....	8	2 owners.....	32
28 owners.....	9	4 owners.....	34
31 owners.....	10	1 owner.....	35
13 owners.....	11	2 owners.....	36
17 owners.....	12	2 owners.....	37
13 owners.....	13	3 owners.....	38
12 owners.....	14	1 owner.....	40
11 owners.....	15	2 owners.....	42
10 owners.....	16	1 owner.....	44
10 owners.....	17	1 owner.....	46
7 owners.....	18	1 owner.....	50
6 owners.....	19	1 owner.....	53
4 owners.....	20	1 owner.....	55
16 owners.....	21	1 owner.....	59
9 owners.....	22	1 owner.....	62
5 owners.....	23	1 owner.....	63
5 owners.....	24	2 owners.....	77

Total, 630 slaveholders owned 6,444 slaves.

The average slaveholding in 1820 was 10.23.

## SUMMARY FOR 1835.

Slaves each.		Slaves each.	
92 owners	1	3 owners	28
82 owners	2	2 owners	29
39 owners	3	4 owners	30
54 owners	4	5 owners	31
44 owners	5	1 owner	32
36 owners	6	1 owner	33
29 owners	7	2 owners	34
20 owners	8	9 owners	35
20 owners	9	3 owners	36
25 owners	10	2 owners	37
19 owners	11	2 owners	38
26 owners	12	1 owner	39
16 owners	13	2 owners	41
17 owners	14	1 owner	42
9 owners	15	2 owners	43
9 owners	16	1 owner	44
8 owners	17	2 owners	45
5 owners	18	1 owner	49
7 owners	19	3 owners	50
6 owners	20	2 owners	53
10 owners	21	1 owner	54
4 owners	22	1 owner	55
3 owners	23	1 owner	57
9 owners	24	1 owner	58
7 owners	25	1 owner	71
3 owners	26	1 owner	73
3 owners	27	1 owner	80

Total: 658 slaveholders owned 6,689 slaves.

The average slaveholding in 1835 was 10.17.

SUMMARY FOR 1850.

	Slaves each.		Slaves each.
88 owners.....	1	1 owner.....	32
60 owners.....	2	4 owners.....	33
35 owners.....	3	3 owners.....	34
30 owners.....	4	1 owner.....	35
32 owners.....	5	3 owners.....	36
26 owners.....	6	3 owners.....	37
22 owners.....	7	1 owner.....	38
21 owners.....	8	2 owners.....	40
22 owners.....	9	1 owner.....	41
25 owners.....	10	2 owners.....	42
21 owners.....	11	1 owner.....	43
19 owners.....	12	1 owner.....	44
11 owners.....	13	1 owner.....	45
9 owners.....	14	1 owner.....	46
12 owners.....	15	2 owners.....	48
13 owners.....	16	2 owners.....	49
10 owners.....	17	1 owner.....	51
5 owners.....	18	1 owner.....	52
6 owners.....	19	1 owner.....	56
12 owners.....	20	1 owner.....	59
2 owners.....	21	1 owner.....	61
11 owners.....	22	2 owners.....	63
6 owners.....	23	1 owner.....	64
9 owners.....	24	2 owners.....	65
6 owners.....	25	1 owner.....	66
8 owners.....	26	1 owner.....	68
4 owners.....	27	2 owners.....	76
5 owners.....	28	1 owner.....	79
4 owners.....	29	1 owner.....	85
5 owners.....	30	1 owner.....	90
2 owners.....	31		

Total: 587 slaveholders owned 7,111 slaves.

The average slaveholding in 1850 was 12.11.



## SUMMARY FOR 1860.

Slaves each.		Slaves each.	
77 owners.....	1	2 owners.....	31
53 owners.....	2	2 owners.....	32
35 owners.....	3	3 owners.....	33
36 owners.....	4	2 owners.....	34
32 owners.....	5	1 owner.....	35
22 owners.....	6	1 owner.....	36
18 owners.....	7	2 owners.....	37
22 owners.....	8	4 owners.....	38
21 owners.....	9	2 owners.....	40
12 owners.....	10	2 owners.....	42
19 owners.....	11	4 owners.....	43
14 owners.....	12	2 owners.....	44
8 owners.....	13	2 owners.....	45
8 owners.....	14	1 owner.....	47
15 owners.....	15	1 owner.....	49
11 owners.....	16	1 owner.....	50
5 owners.....	17	2 owners.....	52
9 owners.....	18	1 owner.....	60
11 owners.....	19	1 owner.....	61
10 owners.....	20	1 owner.....	63
9 owners.....	21	1 owner.....	65
2 owners.....	22	2 owners.....	71
10 owners.....	23	2 owners.....	76
4 owners.....	24	1 owner.....	78
8 owners.....	25	1 owner.....	80
5 owners.....	26	1 owner.....	81
5 owners.....	27	1 owner.....	92
3 owners.....	28	1 owner.....	96
4 owners.....	29	1 owner.....	130
5 owners.....	30		

Total: 549 slaveholders owned 6,589 slaves.

The average slaveholding in 1860 was 12.

An inquiry into the statistics of population for this portion of the State as given in the United States censuses would show a fairly continuous increase in the proportion of negroes to whites in the population throughout the period of its development as a cotton-producing area.

For the period since the abolition of-slavery this county is notable for the degree to which the plantation system has been maintained in spite of the overthrow of the institution of slavery. The method of employing and holding negro labor under a system of apprenticeship is illustrated by the following indenture, copied as a typical example of a very large number on file among the Oglethorpe County records:

GEORGIA, *Oglethorpe County*:

This indenture, made this the 9th day of January, 1899, between Anderson Benson and James M. Smith, of said county, witnesses that the said Anderson Benson, in consideration of the promises and undertakings of the said James M. Smith hereafter set forth, does hereby bind himself to the said James M. Smith for the full term of five years from Jan. 9, 1899, and he hereby agrees and contracts with said James M. Smith to work faithfully under his direction, respect and obey all orders and commands of the said James M. Smith with reference to the business hereinafter set forth, at all times demean himself orderly and soberly; and the said Anderson Benson further agrees to account to the said James M. Smith for all loss of time except in case of temporary sickness. If such sickness should be of longer duration at any one time than six days, then said loss time is to be accounted for at the same rate per day as he is then receiving pay under this contract. And should this contract be terminated by the death of either of the parties of this indenture, then the said compensation of the said Anderson Benson shall be pro rata for the time completed for the year in which the death may occur. And the said Jas. M. Smith, in consideration of the promises and undertakings of the said Anderson Benson, agrees and contracts with the said Anderson Benson to furnish him with board, lodging, everyday wearing apparel, and washing. He further agrees to pay said Anderson Benson annually, on the 9th day of January each year, the following sums of money, to wit: On the 9th January next, fifty dollars; on 9th January, 1901, fifty dollars; on 9th January, 1902, fifty dollars; on 9th January, 1903, fifty dollars; on 9th January, 1904, fifty dollars; and he further agrees to teach the said Anderson Benson the trade of husbandry in all its details.

In witness whereof the said Anderson Benson and the said Jas. M. Smith have hereto respectively set their hands and seals the day and year first above written.

ANDERSON (his x mark) BENSON.  
JAMES M. SMITH.

Executed in duplicate in the presence of—

J. A. MOORE,  
J. D. POWER, J. P.

Record of the land court of Oglethorpe County, 1794-1831.

Record of head rights granted by the land court, 1794-1831.

Lists of persons entitled to draw in the land lottery of 1832, and in other land lotteries, dates not given.

Record of homesteads, circ., 1880 to the present.

Record of public property.

Register of physicians, recent years.

List of judges, attorneys, etc., in the superior court of Oglethorpe County from 1794 to the present.

This is a list compiled by someone in recent years from the records of the county.

Original documents.

The unbound original documents are tied in packages and stacked in open shelves in much disorder.

#### B. RECORDS IN THE ORDINARY'S OFFICE.

Minutes of the court of ordinary, 1822 to the present.

Minutes of the inferior court, 1850-1868, and of the court of ordinary, 1868-1888, when sitting in lunacy cases.

Minutes of the commissioners of the poor school fund, 1842-1864. Fragmentary.

Dockets of the court of ordinary. Scattering.

Record of wills, 1793 to the present.

Record of marriage licenses, 1794 to the present.

Record of marriage licenses for colored persons, 1871-1876.

Returns of executors and administrators, inventories, appraisals, and sales of estates, 1816 to the present.

Letters of guardianship, of administration, and testamentary.

Record of exemptions from sale (i. e., on the ground of homestead privileges), 1846-1887.

Record of homestead petitions, 1887 to the present.

Record of widows' allowances, 1886 to the present.

Record of licenses to retail spirituous liquors, 1869-1888.

Record of estrays, 1830 to the present.

Indentures of apprenticeship, 1866 to the present. 7 vols.

Crop and rent contracts, 1880 to the present.

Ordinary's account book, 1862 to the present.

Ordinary's ledger, 1852 to the present.

Tax digests, 1890 to the present.

Court contracts, 1890 to the present.

Original documents.

These papers are well classified, tied in packets, clearly labeled, and stacked upon open shelves in very good arrangement. The series appear to be fairly complete from 1794 to the present. They include original wills, returns on estates, marriage licenses (classified by race) writs of habeas corpus, homestead, lunacy, petitions and orders, and official oaths and bonds. Many of these documents have been transcribed into the record volumes, but a considerable portion of them contain material which has apparently not been recorded elsewhere.

## 2. THE ARCHIVES OF HABERSHAM COUNTY.

Habersham County, located near the northeastern corner of the State, is one of the oldest of the counties of the mountain district of Georgia. The principal records of the county are preserved in the offices of the county clerk and the ordinary, or judge of probate, in a new court-house in the town of Clarkesville. Each of these offices has a fireproof vault in which its archives are kept. The record volumes are in fairly good order, but the original documents not in books are in extreme disorder, with very many of them probably lost.

## A. RECORDS IN THE COUNTY CLERK'S OFFICE.

Minutes of the Habersham superior court, beginning with the first court held in and for the said county, at the August term, 1819 (in accordance with an act of the Georgia general assembly, December 19, 1818, sec. 13 of the act).

Minutes, 1819-1828, 1832-1854, and 1858 to the present.

Item, February term, 1822 (presentment of the grand jury):

"We present as a grievance of the most alarming nature to the free citizens of this State in general and to those who reside in frontier Counties in Particular the non existence of a statute prohibiting the admission of the natives of the different nations of Indians from Being Evidences in our Courts of Justice where the free white citizens of the United States are concerned, and earnestly recommend to our Legislature at its next session the consideration of the same. \* \* \*"

Item, August term, 1823, and at other times: The grand jury frequently complained of the lack of a fixed seat for the public buildings and the county government.

Item, February term, 1824: The grand jury recommends to the inferior court that for the current year the county tax rate be fixed at one-half the State tax rate, and that in addition one-eighth of the State tax rate be levied as a fund for the poor. The jury expresses regret that the books of the county clerk are not in a condition to show how much taxable property there is, and urges that the books be better kept.

Civil and criminal cases, 1818-1822.

*Illustrative documents.*

[Record of civil cases, p. 61.]

GEORGIA, *Habersham County.*

*To the honorable Superior Court to be held in and for said county.*

The petition of Daniel Parker humbly sheweth that Nathaniel Harbin of said county hath damaged your petitioner to the amount of one hundred and ten dollars and fifty cents, for that whereas

your petitioner on the first day of January eighteen hundred and twenty was possessed of the following goods and chattels, to-wit: One cow and calf of the value of fifteen dollars; one trunk of the value of five dollars, one table of the value of two dollars, one wheel of the value of three dollars, one pair of cards of the value of one dollar, one oven of the value of three dollars, one bedstead of the value of two dollars, two chairs of the value of one dollar, one looking glass of the value of three dollars, one stone jug of the value of two dollars, one teapot of the value of one dollar, one churn of the value of one dollar, three pitchers of the value of three dollars, one mug of the value of fifty cents, one bottle of the value of twenty five cents, one canister of the value of fifty cents, six earthen plates of the value of one dollar, one earthen dish of the value of one dollar, eight cups and saucers of the value of one dollar, one tin trunk of the value of one dollar and fifty cents, one comb case and two combs of the value of fifty cents, one dirt pot of the value of fifty cents, two coffee pots of the value of one dollar, two small bottles of the value of fifty cents, one tin bread basket of the value of fifty cents, two glass tumblers of the value of fifty cents, one decanter of the value of fifty cents, one salt seller of the value of fifty cents, six pewter plates of the value of three dollars, one pewter dish of the value of two dollars, six table spoons of the value of one dollar, one piggin of the value of one dollar, one smoothing iron of the value of one dollar, one black bottle of the value of twenty five cents and one feather bed of the value of fifty dollars, as of his own proper goods and chattels and being so thereof possessed he, your petitioner, afterwards (to-wit) on the same day and year aforesaid in the county aforesaid casually lost the aforesaid goods and chattels out of his hand and possession, which said goods and chattels afterwards (to-wit) on the day and year aforesaid came to the hands and possession of the said Nathaniel Harbin by finding, yet the said Nathaniel Harbin well knowing the said goods and chattels to be the property of your petitioner and of right to him did belong and appertain afterwards, to-wit, on the day and year aforesaid in the county aforesaid, to his own use did dispose of and convert altho the said Nathaniel Harbin, by your petitioner was afterwards requested to deliver the said goods and chattels to your petitioner, he, the said Nathaniel hath hitherto wholly refused and still doth refuse, whereby your petitioner has been injured and hath sustained damage to the amount of two hundred dollars, wherefore he brings this suit and prays process may issue requiring the said Nathaniel Harbin personally or by attorney to be and appear at the next Superior Court to be held in and for said county to answer your petitioner's complaint in an action of trover and conversion, &c.

JOHN W. HOOPER, *Plffs. Atty.*

GEORGIA, *Habersham County.*

*To the Sheriff of said county, Greeting:*

Daniel Parker *vs.* Nathaniel Harbin. Trover and conversion.

The defendant Nathaniel Harbin is hereby required, personally, or by attorney to be and appear at the next Superior Court to be held in and for said county on the Thursday after the third Monday in August, next, then and there to answer the plaintiff's demand in an action of Trover and conversion &c., to the damage of said plaintiff two hundred dollars: As in default of such appearance the court will proceed thereon as to justice shall appertain. Witness the Honorable Augustin S. Clayton, one of the Judges of the Superior Courts of said State, this 31st, day of May, 1820.

MILES DAVIS *Clk.*

Served the defendant Nathaniel Harbin by leaving a copy of the within at his most notorious place of residence, this 20th, day of June, 1820.

J. SUTTON, *Dept. Sh'ff.*

Settled and costs paid.

Recorded Sept. 23rd, 1820.

M. DAVIS *Clk.*

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No. 1 Habersham Superior Court, October Term, 1831. Harris, McLaughlin & Co. *vs.* Stephen B. Peet & Co. Assumpsit.

Sum sworn to-----	\$132. 46
	2
To the Sheriff take good ball in -----	\$264. 92
	TRIPPE.

*To the Honorable the Superior Court of said county:*

The petition of Thomas W. Harris, Archibald McLaughlin & Thomas Harris, miners and partners, mining & searching for gold under the name and style of Harris, McLaughlin & Co., humbly shows that Stephen B. Peet, Isaac Spencer and Ebenezer Peet miners & partners, mining and searching for gold under the name & style and firm of S. B. Peet & Co. owe to your petitioners and unjustly detain the sum of one hundred & thirty two dollars & forty six cents. For that heretofore the said Stephen B. Peet, Isaac Spencer & Ebenezer Peet miners and copartners as aforesaid were indebted to your petitioners the aforesaid sum of money for meat, drink, washing & lodging & other necessaries by your petitioners before that time found and provided for them the said Stephen B. Isaac, & Ebenezer and found and provided also for their servants & for divers goods wares & merchandize before that time sold and delivered by your petitioners & all at the special instance & request of them the said Stephen B. Isaac & Ebenezer & being so indebted they the said Stephen B. Isaac & Ebenezer miners and partners as

aforesaid in the county aforesaid undertook & then & there faithfully promised to pay your petitioners the aforesaid sum of money whenever they the said Stephen B. Isaac & Ebenezer should be thereunto requested. Yet the said Stephen B. Isaac & Ebenezer although so indebted & often requested to pay, have not paid the same or any part thereof, but the same to pay have hitherto refused & still do refuse to the damage of your petitioners three hundred dollars. Wherefore they bring suit & pray process requiring the said Stephen B. Peet, Isaac Spencer & Ebenezer Peet personally of by Attorney to be and appear at the next Superior Court to be held in & for said County of Habersham then & there to answer your petitioners demand in an action of assumpsit.

TURNER H. TRIPPE *Atto. Pro. Plffs.*

GEORGIA, *Habersham County.*

Personally appeared before A. M. Norris, one of the Justices of the Peace in & for said county, Thomas Harris one of the firm of Harris, McLaughlin & Co., who being duly sworn deposes & says that Stephen B. Peet, Isaac Spencer and Ebenezer Peet, miners, mining and digging for gold under the name & style of S. B. Peet & Co are justly indebted to the first named firm one hundred & thirty two dollars & forty six cents and that deponent has just reasons to apprehend the loss of said debt or some part thereof unless the defendants Stephen B. Peet, Isaac Spencee & Ebenezer Peet are held to bail.

THOS. HARRIS

Sworn to and subscribed before me, this eighteenth day of April, 1831.

A. M. NORRIS, *J. P.*

Mr. S. B. Peet & Co.—In acct. Harris, McLaughlin & Co.

28 Dec. 1830.	To boarding 5 servants 2 days .....	\$2.00
1 Jany. 1831	“ Do 5 Do 287 Do .....	70.
	“ Isaac Spencer 47 Do .....	12.50
	“ S. B. Peet 61 “ .....	14.00
	To. Eb. Do Jr. 52 “ .....	12.50
6 March “	“ feeding S. B. Peet's horse .....	37½
6 “ “	“ 7½ dwt. Gold .....	6.74
	“ 4 phials quick silver 18 Oz. 5 dwt. net. ....	9.62½
	“ Half of \$77. sold T. T. P. ....	38.50
		<hr/>
		\$166.24

CR.

18th Feby. by Thomas Harris .....	\$16.	
“ Stephen McLaughlin .....	10.00	
“ Borax .....	2.28	
“ Rock .....	3.50	
“ Wheel barrow .....	1.50	
“ barrel & sheet iron .....	.50	
	<hr/>	
	\$33.78	\$33.78
		<hr/>
		\$132.46

GEORGIA, *Habersham County.*

*To the Sheriff of said County, Greeting:*

Harris, McLaughlin & Co. *vs.* Stephen B. Peet & Co. Assumpsit.

The defendants are hereby required to be and appear personally or by attorney at the next Superior Court to be held in & for said county on the third Monday in October next, then & there to answer the plaintiff in an action of assumpsit as in default thereof the Court will proceed as to justice shall appertain.

Witness the Honorable A. S. Clayton Judge of said Court, this 23 day of April, 1831.

JOHN T. CARTER, *C. S. C.*

April 25th, 1831. Executed the within.

A. MAULDIN, *D. Shff.*

Settled.

Whereupon it is considered by the Court that plaintiffs do recover of defts. the sum of eleven dollars & fifty five cents for their cost in this suit expended, and the defts. in mercy &c.

April Term, 1832.

TURNER H. TRIPPE *Atto. pro pliffs.*

GEORGIA, *Habersham County.*

*To all and singular the Sheriffs of said State, Greeting:*

We command you that of the goods and chattels, lands & tenements of Stephen B. Peet & Co. you cause to be made the sum of eleven dollars and fifty five cent for costs, which Harris, McLaughlin & Co. lately in our Superior Court of said county recovered against Stephen B. Peet & Co. for their cost and that you have the said sum of money before the Judge of our said court on the third Monday in October next to render to the said Harris, McLaughlin & Co., the cost aforesaid and have you then and there this writ.

Witness the Honorable C. Dougherty, Judge of said Court, this 22nd, day of May, 1832.

J. T. CARTER, *C. S. C.*

Recorded 9th, August, 1832.

J. T. CARTER, *C. S. C.*

Book of civil record, 1823-1874.

Criminal cases, 1830-1867.

These series of volumes contain copies of the writs issued in the cases before the Habersham superior court.

Records of deeds of conveyance, 1819 to the present.

The numeration of the volumes is irregular, but the series is apparently complete. The deed records are indexed in two index volumes.



Dockets—bench, bar, motion, subpoena, appeal, issue, attachment, execution (some 30 volumes), criminal, dead criminal, equity, common law.

These volumes are of scattering dates. There are also a number of scattering justice of the peace dockets preserved in this office.

Record of receipts and expenditures by the clerks of the superior court, 1820–1857.

Among the fines here recorded about 80 per cent of the total number appear to have been imposed for the offense of assault and battery. The fines for that offense ranged from \$5 almost uniformly in 1820 to varied amounts of \$1 to \$25 in 1855. The following are illustrative items quoted from this record.

\$1.00 August Term, 1820. Received of John Heywood one dollar a fine inflicted on him by the court for the offense of Assault & Battery. Miles Davis Cl'k S. C.

\$5.00 August Term 1820. The State *vs.* Bryant Ward Assault & Battery. Received of Bryant Ward five Dollars for a fine in the above case. Miles Davis Cl'k S. C.

\$5.00 August Term 1820. The State *vs.* Blair Powell Assault and Battery. Received of Blair Powell Five Dollars for a fine inflicted on him by the Court in the last stated case. Miles Davis Cl'k S. C.

\$10.00 February Term 1821. Received of Thomas Powers, ten dollars for a fine inflicted on him by said court, for the open contempt of loud swearing in the presence & hearing of said court. Miles Davis Cl'k S. C.

\$14.62-1/2 August Term 1821. Retained in my hands pursuant to an order of this court of the money arising from the fines aforesaid the sum of fourteen Dollars and sixty two and a half cents, which is in full satisfaction of said order which is dated February Term 1820. Miles Davis Cl'k S. C.

\$5.00 August Term 1821. The State *vs.* David Densmore Assault & Battery. Received of David Densmore five Dollars for a fine inflicted by the court in this case. Miles Davis Cl'k S. C.

The State *vs.* John Warmack and others Gaming \$1.00 Received of John Warmack one dollar for a fine in the above case. August Term, 1821. Miles Davis Cl'k S. C.

\$12.37-1/2 August Term 1821. Retained in my hands pursuant to an order of the fines aforesaid Twelve dollars and thirty seven and a half cents in part satisfaction of said order for cost, order dated August Term 1820. Miles Davis Cl'k S. C.

\$10.00 August Term 1821. The State *vs.* Thomas Townsend, Jr. Assault & Battery. Verdict—Guilty, fined fifteen dollars. Received of Thomas Townsend Junior the sum of the sum of Ten Dollars in part for the fine in the above stated case. August Term 1821. Miles Davis C. S. C.

\$10.00 August Term, 1821. Retained in my hands pursuant to an order of the Superior Court the sum of ten dollars of the money arising from fines inflicted by said court, order dated August 1820. Miles Davis Cl'k S. C.

\$5.00 February Term 1822. The State *vs.* Thomas Townsend, Jun. Assault and Battery. Received of Thomas Townsend Jun., five dollars the balance of a fine inflicted on him by the Court in this case. Feb. 25th, 1822. Miles Davis Cl'k S. C.

\$1.00 The State *vs.* Arthur Alexander and others. Gaming. Rec'd of Arthur Alexander one dollar a fine in the above case. February 25th, 1822. Miles Davis Cl'k S. C.

\$5.00 The State *vs.* James Powell Assault & Battery Received of James Powell the sum of five dollars for a fine in the above case. February 26th, 1822. Miles Davis Cl'k Supr Court.

\$2.00 The State *vs.* Lewis Arthur & Edward Horton. Affray. Received of Lewis Arthur two Dollars a fine in the above case. February 26th, 1822. Miles Davis Cl'k Supr Court.

\$13.00 February 26th, 1822. Retained in my hands pursuant to an order of the Superior Court the sum of thirteen dollars of money received by me for fines inflicted by said court. Feb. 26th., 1822. Miles Davis Cl'k Supr. Court.

\$5. The State *vs.* Walter Adair Assault & Battery. Received of Wm. Hamilton the sum of five dollars for a fine in the above case. September 6th, 1822. John Starrett Cl'k S. C.

The State *vs.* James Wofford Assault & Battery. Received of William B. Wofford the sum of five dollars for a fine inflicted in the above case, this 26 day of Feby. 1823. John Starrett, Cl'k Supr Court.

\$17.00 February 26th, 1823. Retained in my hands pursuant to an order of the Superior Court of the County of Habersham the sum of fifteen dollars of money received by me for fines inflicted by said court, and paid the same over to the officers of said court for their cost in different cases. John Starrett, Cl'k Supr Court.

The State *vs.* Wm. B. Wofford Assault & Battery. Received of W. B. Wofford five dollars a fine inflicted in the above case, this 26 day of Feby. 1823. John Starrett Cl'k Supr Court.

\$10.00 The State *vs.* Samuel Ward Larceny from the house. fined ten dollars. Received Ten Dollars the fine inflicted in the above case. This 26 day of August, 1824. John Starrett Cl'k.

The State *vs.* Wm. Ritcher Adultery, found guilty and fined one hundred dollars. Received of William Ritcher one hundred dollars. Fine inflicted in the above stated case, this April 30th, 1827. John Starrett Cl'k.

The State *vs.* Rebeckah Caudell Adultery Pled guilty, and fined one hundred dollars. Received of Wm. Ritcher one hundred dollars the fine inflicted by the Court in the above stated case. April, 1827. John Starrett Cl'k.

The State *vs.* Hardin Perkins Assault & Battery April Term 1831. Arraigned & plead guilty fined 6½ cents. T. H. Trippe Sol. Gen'l. Received the cost and fine \$9.12½. T. H. Trippe Sol. Gen'l.

Received of John Crow, a defaulting juror five dollars a fine imposed on him for contempt of Court at October Term of the Superior Court for the year 1833. J. T. Carter, C. S. C.

Received of Lawson B. Mainbright fifty dollars the amount of a fine imposed on him by the Court at the October Term, 1839, for selling spirits without a license. Rec'd 17th, October, 1839. J. T. Carter, C. S. C.

The State *vs.* A. J. Nichols Keeping open tipling house on the Sabbath day. Plea guilty, April Term 1847. Fined \$25.00 Received the above fine of Twenty-five Dollars. Philip Martin C. S. C. Paid by order of the Court to Sol. Gen'l. and Clerk, Sol. Gen'l receipt on Bill &c. P. Martin C. S. C.

The State *vs.* Loven J. Keel Furnishing Slave with Spirits. Plea guilty, April Term, 1847. Fined \$10.00 The State *vs.* Loven J. Keel Keeping Open Tipling house on the Sabbath day. Plea guilty, April Term, 1847. Fined \$10.00 The two above fines of ten dollars each received of the defendant at Oct. Term, 1847. Philip Martin C. S. C. Paid by order of Court to Sol. Gen'l and Clerk, Sol. Gen'l. receipt on Bill &c. P. Martin C. S. C.

The State *vs.* Andrew J. Church Furnishing a free person of color with spiritous liquors for sale. Verdict guilty, October Term, 1854. Fined \$50.00 and paid by order of Court to Sol. Gen'l and Clerk on their insolvent list.

The State *vs.* Darius Echols Adultery & Fornication, Verdict guilty April Term, 1856. Fined \$50.00 and paid to Sol. Gen'l. and Clerk on their insolvent list.

The State *vs.* Hannah Thomas Adultery & Fornication. Verdict guilty, April Term, 1856. Fined \$10.00 and paid to Sol. Gen'l. and Clerk on their insolvent list.

The State *vs.* Martin R. Thomas Adultery & Fornication. Verdict guilty, April Term, 1856. Fined \$10.00 and paid to Sol. Gen'l. and Clerk on their insolvent list.

The State *vs.* Robert F. Wright Riot. Verdict Guilty. April Term, 1857. Fined \$90.00 and paid to Sol. Gen'l. and Clerk on their insolvent list.

Minutes of the inferior court, 1820-1828, 1840-1842, and 1848-1866.

Records of the inferior court, 1842-1866.

Writ record of the inferior court, 1842-1848.

Execution docket of the inferior court, 1828-1858.

Minutes and records of the county court, 1866-1899.

The inferior court was replaced by the county court of Habersham County in 1866, which in turn gave place to the city court of Clarkesville in 1899.

The following are illustrative items from the inferior court minutes:

[Minutes of the inferior court, July term, 1829.]

On motion it is ordered [by the court] that a male child named Tilman Thompson about 6 yrs old son of Sarah Thompson whose father is gone to parts unknown and deserted his family—be bound to Andrew G. Robertson on the said Robertson giving the usual obligation to bring up the said boy provide clothe and protect and

govern him and to instruct him in reading writing and arithmetic the wit or mistery of farming until the said child is 20 years of age, and then give him two suits of clothes, a horse worth \$50 and a good bridle and saddle.

Signed by order of the Court this July 14th 1829.

[Minutes of the Inferior court, July term, 1864.]

GEORGIA, *Habersham County.*

*To the Justices of the Inferior Court of said county*

The petition of John Sexton sheweth that he is a free person of color of said county, but believing that people of his color are more happy, more sure of support and more especially believing that he can better secure his wife and children a competent maintenance in a state of slavery, he is willing and hereby petitions said court to be allowed to sell himself into slavery, that he has contracted to that end with one Wm. H. Fuller in whom he has confidence and to whom he has sold himself for the sum of five hundred dollars to be paid to the wife and children of your petitioner; and your petitioner prays your Honors to ratify and confirm said contract according to the statutes in such cases made and provided.

July 11th, 1864.

JOHN (his x mark) SEXTON

Test:

C. H. SUTTON.

Upon hearing the above and foregoing petition, and the said John Sexton being present and having been examined by the undersigned privately, and having expressed to us his free and full consent to become the slave of the said William H. Fuller upon the payment of the sum of five hundred dollars to the wife and children of the said John Sexton, and the said William H. Fuller being present and expressing his willingness to accept said slave and to pay the sum of five hundred dollars to the wife and children of the said John. It is therefore ordered that the said John Sexton be and he is hereby declared to be the slave of the said William H. Fuller, and the said William H. Fuller pay to the wife of the said John the sum of five hundred dollars, and that the said petition and this order be entered upon the Minutes of the County Court by the Clerk thereof upon the payment of his fees.

July 11th, 1864.

C. H. SUTTON, *J. I. C.*

BENJAMIN JONES *J. I. C.*

J. C. GRANT, *J. I. C.*

[Minutes of the Inferior court, September 26, 1864.]

The within writ having been returned before us, this 26th day of September, 1864 and no cause being shown why the party should be discharged and no proof offered going to show that the party is

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not liable to military service in the army of the Confederate States as declared by the Act of Congress of February, 1864. It is therefore ordered by the Court that the said Elijah Simpson be and he is hereby remanded to the custody of the Confederate States Enrolling Officer for the County of Habersham, and that he pay the costs of this writ.

C. H. SUTTON, *J. I. C.*  
 BENJAMIN JONES, *J. I. C.*  
 A. POPHAM, *J. I. C.*  
 R. T. HARKINS, *J. I. C.*

The within case having been returned before us this 26th day of September, 1864 and no cause being shown why the party should be discharged and no proof offered going to show that the within named Lemuel Anderson is not liable to military service in the army of the Confederate States as declared by act of February, 1864, Movant having declined to offer proof of his age. It is therefore ordered by the Court that the said Lemuel Anderson be remanded to the custody of the Confederate States Enrolling Officer for the County of Habersham and that he pay the cost of this writ.

C. H. SUTTON, *J. I. C.*  
 BENJ. JONES, *J. I. C.*  
 A. POPHAM, *J. I. C.*  
 R. T. HARKINS, *J. I. C.*

Record of oaths administered to county officials.

Record of commissions issued to justices of the peace, commissioners of roads, and constables.

Record of liquor-selling licenses.

Record of warrants upon the country treasurer for the support of paupers.

Record of exemptions from poll tax issued to men above 60 years of age.

Record of bonds for the support of bastard children.

These bonds were of the amount of £150, or \$642.85½, each.

Record of certificates issued to shares in the land lottery.

Land lottery lists.

In 1803 the State of Georgia abandoned its policy of granting land by head rights, and thereafter from time to time, as the Indian title was extinguished, it distributed the public lands among the citizens of the State by lottery. These books in Habersham County contain lists of persons with statement of the number of lottery chances to which each is entitled. They comprise several thin volumes, some of which are bound in Georgia newspapers of 1831.

Land tax book.

This book is without cover or title. Its entries are given under the following column headings: "Owner," "Polls," "Qualities" (acreage of first, second, third, and pine lands), "Granted (date)," "Adjoining waters," "County," "District," and "Tax."

Clerk's fee book, writ book, etc.

Mortgage record, 1889 to the present.

Homestead record, 1889 to the present.

Register of physicians, dentists, and druggists, 1880 to the present.

Jail record, 1884 to the present.

Account of fees, expenditures, etc. Record of the committing and discharge of each prisoner. Diet charged at 60 cents per day. Turnkey fee for committing, discharging, and sending to and receiving from court, 60 cents each. Fee for conducting a prisoner before the court, \$1.25. Pay of guards for the jail, \$1.50 per night on duty. Record of slave trials, 1844-1848.

*Summary of contents.*

March 16, 1844. The State *vs.* Jim, Smart, and Brister, negro slaves. The crime of arson, committed in the village of Clarkesville on the twenty-fifth day of February, "in the night time of that day," by setting on fire and causing to be consumed the tavern house known as the Habersham Hotel.

George D. Phillips accused these three negroes, the property of Joseph Habersham, before Loven J. Keel, justice of the peace. Keel issued a warrant, which was executed March 8 by the arrest of the three negroes. On March 20 three justices of the peace, William Dodd, Loven J. Keel, and William C. Alley, heard the testimony, committed the boy Jim to jail, and discharged Smart and Brister. The case against Jim was tried at a session of the inferior court of Habersham County, March 16, 1844. Verdict: "We, the jury, find the boy Jim not guilty. A. Popham, foreman." Recorded the 20th of March, 1844. L. B. Hambright, C. S. C.

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The State *vs.* Dave, the property of Francis Powell. Rape.

The court met March 23, 1848, after being notified of the commitment to jail of "a negro man (slave) named Dave, the property of Francis Powell, charged with the offence, having been committed by the said man Dave, in the said county, on the body of Hester An Dobbs."

Present: Their honors, James Crocker, James Griggs, and Thomas McRea, justices of the court, and proceeded to draw 36 names of persons to serve as jurors in the trial. The justices then ordered the sheriff to summon 24 of the persons drawn to appear at the court-house by 9 o'clock in the forenoon of March 30. The court then adjourned until that day. The court met on March 30, five justices and the jury present. The prisoner was arraigned and pleaded not guilty. After trial, the jury returned a verdict of guilty. The prisoner was sentenced to be remanded to jail until Friday, April 7; then to be taken by the sheriff to a gallows to be erected in the vicinity of Clarkesville, and hanged until dead. The court then adjourned.

The records contain the full documentary history of the case—the warrant of the justices to the jailer, the notification of the first

three justices of the peace to two others to sit in the trial with them, and minutes of the testimony—to the following effect:

The prisoner, not being sworn, said he was not guilty. Hester An Dobbs, a witness for the State, being sworn, said she was going along the road in the woods, March 18, 1848, about 1 mile from Francis Powell's, three-fourths of a mile from any house, when she saw the negro naked, and, being frightened, ran about 200 yards along the path. The prisoner was 30 or 40 yards away when the witness began to run. The prisoner overtook the witness and caught hold of her. He had a stick in his hand, but did not strike her. He threw her upon the ground, and, in spite of her resistance, ravished her. The witness was then cross-examined. Next William P. Nichols, sworn, testified that when the prisoner came before the magistrates he confessed having done the act. Charles Gosnel, sworn, testified that he had seen the ground and evidences that a scuffle had taken place, and that barefoot tracks were upon the ground thereabout. The documents state that Hester An Dobbs was "a free white female in the peace of God and State of Georgia." The crime was committed in Deep Creek district, Habersham County. The record is concluded with the verdict of the jury, the sentence of the court, and certificate of execution by the sheriff. "Recorded the 25th of April, 1848. Jas. E. Griggs, C. I. C."

The State *vs.* Joel Fouché. Burglary.

July 10, 1848, the court met after notification that Joel Fouché, a free person of color, had been charged with burglary and committed to jail. Jurors were drawn for the trial to be held on July 19.

July 19 the court met. Plea of not guilty. Verdict of guilty. Sentence, whipping this day by the sheriff at some public place with a cowskin whip on the bare back, 39 lashes well laid on. The prisoner is then to be discharged, but must pay the costs of the prosecution.

Full documentary record of the trial is given. The crime was committed at Mount Yonah, by breaking into a house used as a dwelling and tailor workshop. Six yards of alpaca, 1 plain vest pattern, 7 yards of brown jeans, 4½ yards of black Kentucky jeans, and trimmings for the same to the value of \$18 were stolen. These goods were the property of John Davidson. Among the documents is the following:

"STATE OF GEORGIA, *Habersham County.*

"*To all and singular the sheriffs of said State, Greeting:*

"We command you that the goods and chattels, lands and tenements of Joel Fouché, a free person of color, in the hands of or which may hereafter come into the hands of his present (or any future) guardian, you cause to be made the sum of twenty-nine dollars & thirty-seven and a half cents, which lately, on the 19th day of July, 1848, in our inferior court of the said county on the trial of

the said free person of color charged with a capital offence, was awarded and recovered against the said Joel Fouch in favor of the officers of said court, who committed him to jail for costs in that suit in said prosecution expended, whereof the said Joel Fouch is convicted and liable as to us appears of record, and that you have the said sum of money before the judges of said court on the second Monday in January next to render the said officers of said court the cost aforesaid, and have you then and there this writ.

"Witness the Honorable James Crocker, one of the judges of said court, this 26th day of July, 1848.

"JAS. E. GRIGGS, C. I. C."

"Habersham inferior court. January term, 1849. Officers of the Court vs. Joel Fouch, a free person of color. Fi fa for cost.

"Judgment 19th July, 1848.

Clerk's fee.....	\$6. 87½
Sheriff's fee.....	\$7. 75
Justice p. and constable fee .....	\$10. 40
Jailer's fee.....	\$3. 62½
Fi fa .....	\$0. 62½
	<hr/>
	\$29. 37½

At the end of this record (p. 33) is the following:

"The law for the trial of slaves and free persons of color for capital offences before the inferior court having been repealed, this book is now set apart for recording the trial of lunatics, epileptics, and idiots."

Original documents, unbound. Deeds, bills of sale, wills, inventories, mortgages, etc.

These documents are scattered in utter disarrangement in open pigeonholes and packing cases. There is a good set of dust-proof filing cases in the vault, but very few documents have been arranged therein.

Private records.

The county clerk's office contains a miscellaneous lot of account books of merchants of the county, cash books, day books, journals, and ledgers. Most of these books do not give the name of the merchant who kept them. The entries are, generally, of very small sums. The books as a rule were kept in slovenly fashion.

#### B. RECORDS IN THE ORDINARY'S OFFICE.

Minutes of the court of ordinary, 1824 to the present.

Minutes of the county commissioners of roads and revenues, 1872-1877. (The more recent records of this board are probably preserved in its own office.)

Official bonds, vouchers, etc.

Marriage licenses, 1820 to the present.

Letters of administration and execution, guardians' letters, returns of inventory and appraisement sales, receipts for legacies, etc.



Registry of free persons of color, 1856-1862.

Gives name, age, complexion, occupation, and name of guardian.

Estray register, 1828 to the present.

Tax digests, 1878, etc.

Lists of insolvent taxpayers, 1889-1896.

County treasurer's book, 1828 to the present.

Account book of the treasurer of the inferior court, 1836-1864.

Inferior court, record of bonds, writs, etc., 1823-1839.

Lunacy record, petitions for homestead, schedule of homestead property, etc., for recent years.

Docket of the ordinary's court, motion docket, etc.

Original documents.

Only a few of these have been preserved, and none except of very recent years are classified.

Private records.

Book of law and minutes, and treasurer's record of the Tallulah Lodge of Masons, 1870-1874.

### 3. THE ARCHIVES OF CLARKE COUNTY.

The court-house of Clarke County was first located at Watkinsville, but is now in the town of Athens. The more important records of the county are preserved in the offices of the county clerk and the ordinary, each of which is provided with a fireproof vault. The court-house of the county was at one time burned, and many of the volumes in the clerk's office have had their bindings scorched, but no important documents appear to have been destroyed. In each of these offices the volumes of record are arranged in excellent order and show evidences of much care in their keeping.

#### A. RECORDS IN THE COUNTY CLERK'S OFFICE.

Minutes of the superior court, 1802 to the present.

Minutes of the inferior court, 1803-1866.

Minutes of the county court, 1866-1880.

Minutes of the city court of Clarke County, later the city court of Athens, 1880 to the present.

Dockets of various sorts, and records of writs of these several courts, in apparently complete series.

Record of deeds to land, 1802 to the present.

Record of bills of sale, mortgages, etc., 1807-1814, 1820-1836, 1839 to the present.

Record of marks and brands, 1802-1869.

Most of the entries were made prior to 1820

Record of estrays, 1817-1848.

Clerk's account books, various dates.

Recognizance book, 1817-1845. (Book of bonds of persons indicted for crime, giving security for appearance for trial.)

Lists of insolvent persons convicted by the courts and unable to pay the costs of trial.

Register of free persons of color, 1847-1862.

Homestead records, 1869 to the present.

Register of posted lands, 1903 to the present.

Register of notaries public and justices of the peace, Clarke County, 1903 to the present.

Criminal evidence in the justice court, Two hundred and sixteenth district, Georgia Militia, 1882-1885.

Justice court dockets, various districts and dates.

Original documents.

The original writs, fifas, orders, etc., are in good preservation, and mostly well arranged in metal dust-proof filing cases.

Private records, ledgers, journals, and other records of the Exchange Bank of Athens, which was bankrupted in 1898.

Record book of the Clarke County State Rights Association, 1833-1840.

This society was organized as an auxiliary to the State Rights Association of Georgia, formed at Milledgeville, November 13, 1833. The first meeting of the society of Clarke County was held February 4, 1834, but adjourned to March 11. The meeting then resolved that there was an impending danger of despotism by the United States Government, and resolved to organize an association to protect the rights of the States. A constitution was thereupon adopted. The volume contains the minutes of meetings held at intervals of several months. Formal addresses were made by selected orators, e. g., Judge A. S. Clayton, and candidates were nominated by ballot for the State legislature, and delegates were elected to the State conventions of the State Rights party. The meetings were held in the county court-house, which was then located at Watkinsville. The last meeting recorded was held May 5, 1840.

Other private records of a miscellaneous character are contained in an old trunk in the vault of the clerk's office.

Newspaper files.

The clerk's office contains bound volumes of the Southern Banner, the Southern Watchman, and the Athens Banner in a continuous file from 1852 to the present.

#### B. RECORDS IN THE ORDINARY'S OFFICE.

Minutes of the court of ordinary, 1802 to the present.

Ordinary's account book, 1860-1864.

Orders of the court of ordinary.

Some of the functions of the ordinary have been transferred to the county commissioners of roads and revenues, and that board possesses the records for recent years in its province.

Order book of the inferior court, from about 1855 to 1866.

Deals with roads, bridges, etc., the indigent soldiers' fund, etc.

Bonds of administrators and executors, letters testamentary, letters of administration, and of guardianship. (Some early volumes appear to be missing.)

Returns of executors, administrators, and guardians, 1799 to the present.

Tax digests, year by year, 1802 to the present, with a few volumes missing.

Wills, 1802 to the present.

Record of apprenticeship indentures, 1837-1885 and 1901 to the present.

Bastard children account book, 1874-1881.

Contains only a few items, all concerning negro or mulatto children.

Record of estrays, 1847-1889.

Estray account book. Record of sales of estrays, 1848-1858.

Minutes of the commissioners of the poor school fund, 1834-1840.

Minutes of the county board of education, 1864-1870.

Chain-gang record, 1883-1886.

Record of the Clarke County convicts, 1876-1894.

Record of paupers, 1879-1886.

Liquor dealers' bonds, 1855-1867.

Minutes of the board appointed to superintend the erection of a court-house and jail, 1875-76.

Record of property in the court-house, the poor farm, etc, 1884-1887.

Original documents.

The original wills are arranged alphabetically. Other original documents in large numbers fill a set of wooden pigeonholes, but are in no order of arrangement. There are several trunks and cases of private papers in the ordinary's vault, and a packing case full of unbound newspapers, pamphlets, and manuscripts, among which, for example, is a report of a committee to examine the regimental fund in 1823 and a list of persons liable to drill duty, with fines collected and uncollected.

Private papers. Minutes and account book of the Clarke County Agricultural Society, 1859-1873. (No activities between 1861 and 1866.)

Life membership fees, \$20. The society held annual fairs. The premium list in 1860 amounted to \$1,000.

Account book of Mitchell's ferry, 1881.

[Augusta, Chronicle, Mch 13, 1819.]

GEORGIA, RICHMOND COUNTY,

*Clerk's Office Inferior Court, 2nd March, 1819.*

I certify that the following is a correct list of the names of persons of color registered in this office, in conformity to the act of the 19th December, 1818 supplementary to, and more effectually to enforce an act prescribing the mode of manumitting slaves in this state, etc. and all persons concerned or interested will take notice that certificates will issue to them on or before the first Monday in May next, if objections are not filed thereto, on or before the second Monday in April next, viz.

Names	Age	Place of Nativity	Residence	How Long in Geo.	Occupation.
Jack Harris	52	Maryland	Augusta	40	Boating
Rachel Harris	12	Savannah		12	house servt
Harry Todd	53	Va		85	Carpenter
Peggy Todd	40			17	Saw'g and Wash'g
Maria Todd	12	Savh		12	house servt
Sarah Todd	10	Augusta		10	"
Hanna Todd	8			8	House servt
Susannah Todd	5			5	"
Matthew Todd	2			2 mos	
Della Todd	2 mos			24	house serv
Jenny Magnan	30	St Domingo		30	boat corker
Stephen Frost	58	Baltimore		23	barber
William Hill	42	Virginia		39	sewing
Patsy Hill	39	Geo		43	boating
Cesar Kennedy	43			40	sewing
Hannah Kennedy	40			21	sadler
Jaria Kennedy	21			19	sewing
John Kennedy	18			15	
Mary Ann Kennedy	16			11	
William Kennedy	11			9	
Cesar Kennedy	9			5	
Rosella Kennedy	5			3	
Thomas Kennedy	3			30	pilot steam boat
Dickey Evans	30			11	house servant
Linder Kennedy	25	Africa		6	Carpenter
John Coleman	35	Virginia	Augusta	30	Sawing
Molly Coleman	30	Augusta		50	rafting
Mason Harris	50	Georgia		40	washing
Nelly Harris	58	Africa		20	Carpenter
Chas Grant	50	N Car		46	
Peter Johnson	48	Savh		16	Sewing
Sally Johnson	16	Augusta		14	carpenter
John Johnson	14			7	
Caty Johnson	7			9	
Peter Johnson Jr	9			11	
Betty Johnson	11			3	
Nancy Johnson	8			55	washing
Nancy Johnson	43	S Car		30	washing
Nancy Fox	55	Augusta		20	sawing
James Kelley	50			23	washing
Betsy Kelley	23				

Names	Age	Place of Nativity	Residence	How Long in Geo.	Occupation.
George Kelley	19			19	carpenter
Alfred Kelley	3 mos			3 mos	
Sam Kelley	5			5	common laborer
Richard Kelley	70	S. Car		25	washing
Josiah Kelley	1	Georgia		1	sewing
Venice Mabre	55b	Guinea		30	
Vienna Kelley	22	Augusta		22	
Henry Kelly	2				
Sally Langley	35	Maryland		22	washing
Isabell Wilson	20	Georgia		20	sewing
Sarah Carnes	35	N Car		8	sewing
Jack Carns	22	S. Car		15	boating
Joe Carns	20			15	
Vienna Carns	15			14	sewing
Lucy Carns	20			15	carpenter
Thomas Carter	26	Maryland		14	sewing
Sarah Richards	30	S. Car		20	carpenter
Junus Course	80	Augusta		25	sewing
Juda Kelley	35	S. Car		30	
William Kelly	18	Augusta		18	washing
Madison Kelly	10			7	carpenter
Augustus Kelley	7			6	
Ann Kelly	5			2	
Emily Kelly	2			30	
Nancy Kelly	55			25	
Ann Kelly	33	Rich'd county		30	
Nanny Harris	50	Augusta		10	
Venice Kelly	30			3	
Amy Dobbins	25			3	
Sylvester Dobbins	6			3	
Edin, Dobbins	5			3	
Sarah Fitch	25			22	
Sikey Fitch	4			4	
Matilda Fitch	3			8	
Andrew Fitch	6 days			6 days	
Deanna Caroline	33			22	sewing
Marticia Caroline	5	Augusta		20	drayman
Alick Pope	38	Pennsylvania		25	washing
Jenny Keating	35	Virginia		12	sewing
Polly Keating	12	Augusta		11	
Betsy Keating	11				

Martha Keating	8	boating
Thomas Keating	8	washing
Augustus Keating	11 mos	sewing
Dwight Knight	22	sewing
Milly Knight	40	sewing
Milly Stubb	45	sewing
Eliza Estacn	37	sewing
Babst Astralin	30	sewing
Adah Monroe	17	sewing
Edy Sheftall	18	washing
Edy Sheftall	25	washing
Charlotte Tubman	25	washing
Sarah Walton	50	washing
Chloe Walter	5	washing
Martha Walton	5	washing
Betsey Magnan	60	washing
James Triplet	60	washing
Mary Ann	13	washing
Richard Triplet	18	washing
James	2	washing
Sambo Campbell Jr	2	washing
Thomas Kelly	70	washing
Mary Jenne Clee	25	washing
Jenny Ross	25	washing
Thomas Bradley	60	washing
Amelia Brown	79	washing
Elenor Knight	23	washing
Benj. Knight	30	washing
Peggy Haynes	2	washing
Bob Martin	24	washing
Nelly Kelly	23	washing
John Kelly	23	washing
Jane Scott	9	washing
Elenor Harris	17	washing
Robert Kelly	29	washing
G. M. Scott	12	washing
James Larry	7	washing
Katey Larry	51	washing
Eliza Larry	20	washing
James Larry Jr	10	washing
Nelly Jones	8	washing
Robert Jones	16	washing
Sary Ann Jones	14	washing
Augustus Larry	1	washing
Daniel Caroline	1	washing
Rachel Shavers	85	washing
Linda Lambert	30	washing
	60	washing

Names	Age	Place of Nativity	Residence	How long in Geo.	Occupation.
Suckey Young	50	Va.		15	washing
Nancy Revan	27	Ga.		27	washing
Ursele Polson	24	N. Car.		18	sewing
Betsey Keating	27	S. Car.		26	sewing
Caroline	9	Ga.		9	
Emily	7			7	
Eliza	5			5	
Jos.	3			3	
Ceasar Tanner	76b	S. Car.	Springfield	2	sexton African Church
Sophia	78			2	sewing
Harriet Williams	96		Augusta	25	weaving
Billy Collins	35			9	boating
Roderick Dent	23	Maryland		25	blacksmith
Kitty Shifton	13	Augusta		15	sewing
Louis Monroe	4 mos	Augusta		13	
Willis Carter	26	Va.		4 mos	carpenter
Joseph Smith	22	Augusta		22	sadler
Joseph Lee	16	Savannah		22	farmer
David Russell	18	Barnwell S. C.		16	
John Wright	30	Ga.	Richmd county	2	planter
Polly Wright	32			80	spinning, weaving
Jane Coleman	14	S. Car.	Augusta	11 mos	spinning
Moses Jones	66	Newark	Richmd county	20	boating
J. T. Welch	27	Ga.	Richmd county	4 mo.	harnessmaker
Isaac Harman	26			27	common laborer
Matthew Marham	25			25	"
James Harman	22			22	"
Abram Harman	20			20	"
Allice Hagland	50	Va.	Augusta	32	spinning
Martha Hulin	36	S. Car.	Richmd county	12	millwright
John Evans	54	Va.		36	
James Evans	9	Richmond county		9	farming
William Hulin	14	S. Car.		12	washing
Nary Hulin	12	Richmond county		9	house servant
Navel Hulin	9			7	
John Hulin	7			6	
Anna Hulin	6			5	
Betsey Bond or Mulin	26	S. Car.	Augusta	24	washing
John Cousins	56	Va.		5	ostler
Priscilla Bing	43	S. Car.		23	spinning and weaving
Sally Rouse	22	Ga.		23	

William Evans.....	20	.....	.....	.....	common laborer
Henry Smith.....	36	.....	.....	.....	waiting man
Peter Leigh.....	38	.....	Richmd County	.....	farming
Stephen Coleman.....	40	.....	.....	.....	boating—raftg
Caesar Johnson.....	51	N. Car	.....	.....	carpenter
Lucy Johnson.....	41	Va	.....	.....	sewing and weaving
Rebecca Johnson.....	11	Augusta	.....	.....	seamstress
Eliza Johnson.....	7	.....	Augusta	.....	.....
Martha Johnson.....	4	.....	.....	.....	weaving, sewing
Susanna Frazer.....	32	S. Car	Richmd County	.....	weaving
Ediz. Harman.....	21	Augusta	.....	.....	.....
G. F. Harman.....	1 mo	Ga	.....	.....	.....
Eliza Ann Collins.....	30	S. Car	Richmd County	.....	boating
William Frazier.....	5	Ga	Augusta	.....	washing
Tom Paris.....	60	Richmond County	.....	.....	boating
Sarah Rouse.....	30	S. Car	.....	.....	boating
Oliver Anthony.....	36	Ga	Richmd County	.....	boathand
Moses Hill.....	43	Va	.....	.....	carpenter
Jacon Jones.....	23	S. Car	.....	.....	attending sawmill
Joseph Gowan.....	24	Ga	.....	.....	washing
Violet Sharper.....	56	Maryland	.....	.....	waggoning
Jeremiah Smith.....	55	N. Car	.....	.....	millwright
William Chaves.....	51	.....	.....	.....	boating
Sandy Hall.....	25	Ga	.....	.....	.....
Dick Taylor.....	60	Charleston, S. C.	.....	.....	.....

JOHN H. MANN, Clerk.



[Augusta Chron. April 30, 1820]

*A list of free persons of color who have registered their names in Clerk of the Inferior Court's office, Burke County, Georgia 28th February to 6th March 1820.*

Name	Age	Where born	When came in State	Profession
Geo. Millan	24	Savannah		tailor
Mary Miller	27	S. Car	while infant	seamstress
James Miller	1	Geo		
Maria Bush	9	do		
George Bush	13	do		planting
John Kelley	27	S. Car	three yrs since	farming
Kesia Kelly	24	do	do	seamstress
— Kelly	2	Geo		
Scaly Kelly	51	Va	three yrs since	midwifery
Gilbert Madison	9	S. Car	do	
Jessie Kelly	22	do	do	farmer
Betsy Kelly	33	do	13 years since	planting
Nancy Kelly	12	do	when infant	spinster
William Kelly	9	do	do	
Sallie Kelly	8	Georgia		
Leah	56	do		housewifery
Coleman	21	S. Car	3 years since	do
Betsy Coleman	4	Geo		
Nero Hancock	81	Ga		farmer
Nancy Hancock	30	S. Car	5 yrs since	Housewifery
Charles Nunes	24	do	when an infant	farmer
Alex'r Nunes	41	Geo		do
Francis Gaulphin	49	do		housewifery
Rose Nunes	76	do		do
Robert Nunes	17	do		farmer
Jeanette	18	do		seamstress
Judith	26	do		seamstress
George	12	do		
Ann	16	do		
Julian	9	do		
Henrietta	7	do		
Louisa	5	do		
David	21 mos	do		
Jos. Golding	50	do		
Fanny	56	Va	30 yrs since	carpenter
Jim	35	Geo		spinster
Elisha	18	do		farmer
Cynthia	16	do		do
George	30	do		spinster
Mary Scott	31	S. Car	16 years since	farmer
Sam Scott	21	do	16 yrs since	planter
Charlotte Scott	15	Geo		farmer
Harriot Scott	9	do		seamstress
Connecticut	10	do		seamstress
Dick Ellerbee	50	Va	30 yrs since	farmer

Extract from book of Registry,

JOHN CARPENTER, Clerk.

[Augusta Chron. April 18, 1820]

*Free persons of color registered in Clerk's office, Columbia County, Ga.*

Name	Place of Nativity	Age	Trade
E. Day	N. Car	43	hatter
Amy	do	51	spinster
H. McLendon	do	64	farmer
Millie	Georgia	12	spinster
Mary Childer	do	13	spinster
Thuss Alm	do	12	do
Lavina	do	10	do
Caty	do	9	do
Morris	do	8	plowboy
Henry	do	3	
Allen	do	6 mos	
Lucy Barnes	do	4	spinster
Lusanna	do	4	
William Samuel	do	2	
Martha	do		
Bettie Lamar	do	49	baker
Pil Grant	do	50	carpenter
Richard	Georgia		
Samuel Grant	do	6 mos	
Bettie	do	28	spinster

It happens that none of the registries of free persons of color in the archives of the counties embraced in this report were kept well enough to be suitable for printing. To illustrate the nature and content of this class of documents, the preceding registers, for certain other counties in the years stated, are taken from the files of contemporary newspapers.

#### 4. THE RECORDS OF THE TOWN OF ATHENS.

In the year 1801 a committee of the trustees of the University of Georgia selected a hilltop near the Cedar Shoals, on the Oconee River, as the site of the university which they were about to establish. The so-called university was put into operation in an unpretentious way during the course of that year, and a village at once began to grow up at the edge of the campus. In 1806 that village, named Athens, received a town charter from the State, giving it the privileges of self-government through an intendant and commissioners. The town developed a certain degree of commercial activity as years went on, but the town has always retained its distinctive character as a college community, and the policy of the town government has always been strongly influenced by consideration of the presence of the student body. This is illustrated in the restrictions upon liquor selling. The Maysville (Ky.) Eagle of September, 1832, contains a joting:

The commissioners of Athens, Ga., have imposed a tax of \$500 on every person retailing spirituous liquors in that town.

The town, when it permitted barrooms at all, has been disposed to require high license, and in more recent times it was in the forefront of the dispensary movement.

The following publications of its charters and ordinances have been issued by the town or city of Athens:

Compilation of the Constitutional Provisions and Acts of the Legislature Incorporating the City of Athens, and Codification of the Ordinances of the City. By H. H. Carlton. Athens, 1881.

Charter and Ordinances of the City of Athens. By Andrew J. Cobb and William A. Gilleland. Athens, 1892.

Charter and Ordinances. By F. C. Shackelford and T. W. Reed. Athens, 1900.

The town records are kept in the clerk's office in the city hall. The present building is well equipped with fireproof vaults, but until very recent years the records were kept in a wooden building. Though there is no record or tradition of the city hall ever having been burned, there are no town records to be found of an earlier date than 1858 and very few dating earlier than the Reconstruction period. It is possible that the Federal raiders destroyed the records in 1864 or 1865, or that the documents were hidden by the townspeople during Sherman's invasion and have never been restored to the archives room. The records as now extant show many signs of neglect, and it may be that at some period the custodian destroyed part of the archives as rubbish. The town records at present are to be found in book-cases and packing boxes, partly in the official vault and partly in a cellar under the stairway, while of course the volumes of the current and very recent years are on the clerk's desk. Under the existing difficulties, the following is the best practicable list of the archives:

Minutes of the council, 1860 to the present.

The chief magistrate of the town was called the "intendant" prior to 1872; the "mayor" thereafter.

Docket of cases before the intendant, 1858-1872.

Docket of the mayor's court, 1872 to the present.

Dockets of the police court, 1873 to the present.

Record of licenses, 1858-1868.

Record of fines, 1887-1890.

Record of taxes collected, 1886, etc.

Tax assessments and digests, 1867 and following years.  
 Record of affidavits for liquor licenses, 1879-1891.  
 Specific tax books, for 1892, etc.  
 Tax ledger, 1891, etc.  
 General ledger, 1873-1880.  
 Town treasurer's accounts, 1866-1880.  
 Letter books, 1892, etc.  
 Original documents.

These are scattered in drawers and packing cases. Some of those for the year 1876 are pasted in scrapbooks.

CURRENT VOLUMES IN THE CLERK'S OFFICE.

Record of the gunpowder magazine, 1887 to the present.  
 Record of vehicle licenses, 1895 to the present.  
 License registers.  
 Register of sewer fees.  
 Sewer bond account cash book, 1900 to the present.  
 Street-paving accounts, 1889 to the present.  
 City cash books, 1899 to the present.  
 Town treasurer's cash book, 1890 to the present.  
 General tax digests, yearly for several recent years.  
 Real estate assessment book, 1896 to the present.  
 Record of tax executions, 1882 to the present. (White and colored persons recorded separately.)  
 Receipt book, classified accounts, 1903 to the present.  
 Record of disbursements, classified, 1903 to the present.  
 Record of dispensary sales, daily, 1903 to the present.

The text of a few of the ordinances of the town in the ante-bellum period may be recovered from the files of the local newspapers. The following, which have been gleaned in that way, will illustrate some of the features of the town's legislation and general policy:

[Athens Gazette, February 1, 1816.]

AN ORDINANCE for the better regulation of the town of Athens so far as relates to the assemblage of negroes, and to restrain all persons within the limits of the Corporation from giving or selling to negroes any spiritous liquors on any pretence whatever without a permit in writing from their master owner or employer, and regulating all kinds of traffic with slaves or people of color.

*Be it enacted by the commissioners of the town of Athens, and it is hereby enacted by the authority of the same, that from and after the twelfth day of February next, if any person or persons in or at any place within the town of Athens, or at any place within the jurisdictional limits of the corporation, shall give or sell to any negro or negroes, either male or female, any quantity of spiritous liquors without a permit in writing from his or her master, overseer, or employer, the*

person or persons so giving or selling any such spiritous liquors to such slave or slaves, shall forfeit and pay to the corporation the sum of five dollars for the first offence, and the sum of ten dollars for each and every offence of the same kind, provided that no master, owner, overseer or employer shall be restricted from giving to their own slaves whatever spiritous liquors they may think proper for their own use and for no other purpose.

*Be it further ordained*—that when any citizen within the corporate limits of the town shall offend against the aforesaid section, it shall be lawful for the town constable upon his own knowledge or upon the information of any other credible free white person to give information to the Chairman of the Board or in his absence to any of the members thereof, of the offence, and the day and date on which such offence or offences was or were committed and upon such information being received by the chairman, or in his absence, by any member of the Board, he shall issue his summons, directed to the town constable, commanding him to cite the person or persons so charged to appear within three days before the Board to answer the charge or charges exhibited against him or them; and upon conviction (on oath) the fines hereinbefore recited shall be recovered by the town constable in virtue of an execution to be issued by the chairman of the Board in pursuance of such conviction to be levied on the goods and chattels of the offender or offenders; and after ten days advertisement at the chapel door and one other public place in Athens, the same shall be sold at the market house in said town to satisfy the conviction and judgment with cost; one third of the fine or fines so imposed and collected to be paid to the town constable and the other two thirds to be placed in the hands of the Clerk of the Board, and to be applied to such purposes of the corporation as a majority of the commissioners may think expedient and proper.

*Be it further enacted*—That whenever five or more slaves or people of color are seen by the town constable, assembled in the streets of Athens, in the stores or piazzas of any store house in town, or at any other place within the corporation, except within the Lot, Yard or premises, of their master, owner, overseer, or employer, it shall be lawful for the town constable on his own view, or information of any one of the Board of commissioners, or other credible free white person, to order such slaves or people of color to disperse, and upon their refusing so to do, or assembling themselves at any other place in said town or corporation, then to take such slaves or people of color into custody and chastise them at his discretion not exceeding ten lashes for every time they may be so assembled, or refuse to disperse when commanded, and for the chastisement of each slave or person of color so offending as aforesaid the town constable shall be entitled to receive the sum of twenty-five cents out of the funds of the corporation, upon an official return made by the said town constable, that such slave or slaves or people of color was or were charged for violating this section of the ordinance.

*Be it further ordained by the authority aforesaid*—That no slave or person of color shall from and after the first day of March next, be permitted to sell any article of produce, or stuff of any description whatever within the corporate limits of the town, without a permit in writing from his master, owner, overseer, guardian or employer, specifying the article or articles which she, he or they may offer for sale, and if in violation of this clause of the ordinance any free white person shall purchase or cause to be purchased without such permission he, she, or they, shall, for every offence pay the sum of five dollars, to be received and collected in the manner hereinbefore described for the collection of fines, and applied in the same manner; and if any person of color shall offend against this ordinance, he, she or they shall pay the same fine as a white person is made subject to and if unable to pay the same, he, she, or they shall receive on their bare backs, not exceeding ten lashes, to be inflicted at the market house by the town constable, for which the said constable shall receive twenty-five cents.

In town meeting, read and passed 27th January, 1816.

T. F. CARNES, *Chairman*.

Attest:

A. S. CLAYTON, *Clerk*.

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[Southern Banner, Athens, Ga., April 3, 1840.]

AN ORDINANCE, To prevent Wagoners from Encamping in the Streets.

*Be it ordained by the Commissioners of the town of Athens, and it is hereby ordained by authority of the same*, That it shall be unlawful for any Wagoner to encamp in the Streets, or on any private lot (except by consent of the owner) in the Town of Athens; and in case of such encampment, it shall be the duty of the Marshal to remove the said person or persons; and in case of refusal, each and every person so offending shall forfeit and pay the sum of Five Dollars, for each night of such encampment, to be collected immediately by the said Marshal.

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AN ORDINANCE regulating the taxes.

*Be it ordained by the Commissioners*, That the Marshal be instructed to call upon the citizens of Athens, between the 1st of March, and 1st of May, for the purpose of collecting the taxes for the year 1840, which shall be assessed in the following manner:

1. On each and every male white citizen between the ages of 21 and 60 years, \$1.00.
2. On all free persons of color, \$1.00.
3. All slaves over the age of 8 years, on every hundred dollars worth, 12½ cents.

4. Town lots, houses, etc., on each hundred dollars worth, 12½ cents.

5. Stock in trade, on each hundred dollars worth 12½ Cts.

6. On each hundred dollars worth stock in trade brought into town, after the first of May, by persons who have not previously given in their tax 10 Cts.

7. On all goods brought into the town of Athens to be sold at Auction, on each hundred dollars worth, \$1.00.

8. On all Carriages, Gigs, Buggies, Barouches, Sulkies, Tilburies, and other pleasure Carriages, for each hundred dollars worth 12½ Cts.

9. On Caravans of Wild Animals, Wax Figures, Circusses, Theatrical Exhibitions, Puppet Shows, Legerdemain Rope Dancing, and on all public exhibitions for money, except lectures on literary and scientific subjects, each per day, \$10.00.

10. On Retailers of spirituous liquors, \$20.00.

11. On Billiard Tables \$50.00.

All persons giving in property to the Marshal are required to do so in reference to the largest amount in actual possession, between the 1st of January and the 1st of May, and which property is designed to be used by the owner within the corporate limits of the town.

## PUBLIC ARCHIVES OF KANSAS. <sup>C+</sup>

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By Prof. CARL <sup>15.11.10</sup>BECKER,  
*Of the University of Kansas.*

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### I. PRINTED ARCHIVES.

The public archives of Kansas have been very largely printed, both for the Territory and for the State. A very careful and exceedingly detailed bibliography of the printed archives has been prepared by Miss Zu Adams and published in the sixth volume of the Transactions of the State Historical Society, and also in pamphlet form. (Catalog of the Kansas Territorial and State Documents, etc. Topeka, Kans., June, 1900.) On the basis of this list Miss Adams has also prepared the Kansas bibliography for Bowker's State Publications, which will appear shortly. (R. R. Bowker, State Publications, Part III.) For detailed or complete information the student is referred to these lists. A few of the most important of the printed archives are given here to indicate to what extent the archives have been published.

#### (a) TERRITORY.

The archives of the Territory were neither so carefully preserved nor so fully published as those of the State. The statutes and the journals of both houses are complete and have been published. The messages of the governors and the reports of the supreme court are incomplete, although of the latter everything that is preserved has apparently been printed in McCahon. (Reports of Cases Determined in the Supreme Court of the Territory of Kansas. Chicago, 1870.) The executive minutes and correspondence of the Territorial governors, as far as found, have been printed by the State Historical Society in its Collections. (Vols. III-V.)



## (b) STATE.

Of the printed archives of the State the most important are the following:

(1) Public documents. Contain the messages of the governors, the reports of the principal officers of state, and in part the reports of various educational and charitable institutions and commissions. Published annually, 1861-1864, 1868-1876; biennially, 1878-1904. For the years 1864-1868 there is neither manuscript nor printed volumes for the documents. It is not known whether the series was printed during these years.

(2) Messages of the governors. Complete.

(3) Reports of the officers of state. Of these the following are complete: Auditor, secretary of state, treasurer, superintendent of public instruction. The following are incomplete: Attorney-general for 1861-62, 1864-1874; adjutant-general for 1861.

(4) Reports of cases tried in the supreme court. Complete.

(5) Statutes. Complete.

(6) Senate journals. Complete.

(7) House journals. Complete.

## II. MANUSCRIPT ARCHIVES.

There is not a great deal of unprinted manuscript material in the public archives of Kansas, and, on the other hand, some of the manuscript records, from which the printed archives have been published, are no longer preserved. The manuscript records are deposited in the various offices of state. The State library contains very few records in the nature of public archives. (Cf., however, Adams; *Catalog*, etc., p. 28.) The following description makes no claim to being exhaustive. It may, however, serve to indicate in a general way the extent and the condition of the manuscript archives of Kansas.

A. In the governor's office there is—

(1) The daily record, 1877-1904.

(2) Record of appointments by the governor. Goes back to about 1877, but is incomplete.

- (3) Letters sent, 1870 (about) to 1904.
- (4) Letters received, 1882 (about) to 1904.
- (5) Various packages of miscellaneous material.

B. In the secretary of state's office are deposited the most important manuscript records of the State. They are well preserved, but not in order. Without a thorough examination it is impossible to say how complete all of the various classes of documents are. So far as it was possible to learn from those in charge, the principal classes of documents preserved in this office are the following:

- (1) The statutes. Complete for State and Territory.
- (2) Bills introduced into the legislature. Complete for the State and Territory.
- (3) Senate journals. Complete for the State and Territory.
- (4) House journals. Complete for the State and Territory.
- (5) Messages of the governors. Complete for the State; probably for the Territory.
- (6) Letters sent. Now preserved; how far back they have been preserved is not known.
- (7) Letters received. Those that are "considered important" are now preserved.
- (8) Bonds of State officials.
- (9) Oaths of State officials.
- (10) Commissions ordered by the governors or by the executive council.
- (11) Pardons.
- (12) Election returns.
- (13) Material relating to public corporations.
- (14) Miscellaneous material relating to State banks, county officers, etc.\*

C. In the clerk's office are preserved—

(1) All of the records there are for the Territorial courts. These consist of—

(a) Supreme court record "A." A volume of about 90 pages, containing the proceedings of the Territorial supreme court from 1855 to 1860.

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\* Properly the reports of State officers should be deposited here, but it appears that the secretary of state receives only one copy of each report, which he turns over to the State printer.

(b) Appearance docket, supreme court, Kansas Territory. Contains miscellaneous material relating to the courts held during the period 1858-1860.

(c) Trial docket, supreme court, "A." Contains material relating to the December term of 1856.

(2) The complete records of every case tried in the supreme court of the State. These records are preserved in envelopes, each case having its own packet, properly labeled, and so arranged as to be found without delay.

D. In the adjutant-general's office are preserved—

(1) Records of the State in the war of the rebellion, 1861-1865.

(2) Records of the State in the Spanish-American war.

(3) Records of the Kansas State militia, 1861-1885. After 1885 the militia became the Kansas National Guard.

E. In the attorney-general's office are preserved—

(1) Biennial reports of the attorney-general, 1893-1904.\*

F. In the office of the superintendent of public instruction are preserved—

(1) The records of the school fund commission. These records are concerned with—

(a) Permanent school fund, 1866-1904.

(b) State school fund, 1867-1904.

(c) State University fund, 1878-1904.

(d) State Normal fund, 1877-1904.

(e) Stormont Medical Library fund, 1889-1904.

(2) The records of the State board of education. These records contain—

(a) Minutes of the board, 1877-1904.

(b) Register of State examinations, 1877-1904.

(c) Records of certificates issued, as follows:

1. County normal institute certificates, 1877-1904.

2. State certificates, 1873-1904.

3. State life diplomas, 1897-1904.

4. State life certificates, 1897-1904.

5. State industrial certificates, 1903-4.

(3) Record of State normal graduates whose diplomas are now in force, 1867-1904.

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\* At the time the material was gathered for this report it was impossible to learn whether other records were preserved in this office.

- (4) Reports of county superintendents, 1876-1904.
- (5) Reports of city schools.
- (6) Reports of academies, colleges, and universities.
- (7) Records of the Kansas text-book commission, 1897-1904.
- (8) County normal institute appointments.
- (9) Kansas school laws, 1870-1904.
- (10) Reports of the department, 1865-1904.

The manuscript archives of Kansas are preserved in dry, fireproof vaults. They may be examined by anyone whose work is of such a nature as to justify his use of them.



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## NORTH CAROLINA COUNTY ARCHIVES.

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### PART I.

By Prof. JOHN SPENCER BASSETT,  
*Of Trinity College.*

### PART II.

By Prof. CHARLES LEE RAPER and J. H. VAUGHAN,  
*Of the University of North Carolina.*

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### PART I.

[By Prof. John Spencer Bassett.]

The tentative report herewith submitted on the counties of Chowan, Craven, Cumberland, Guilford, Mecklenburg, Orange, Pasquotank, Perquimans, Rowan, and Wake is prepared from notes taken in 1902 and 1903. The examination which could be given to these records was very hurried. The records themselves are usually unclassified, and in the time allowed it was not always possible for the examiner to satisfy himself of the exact nature of the contents. This was particularly true of the old dockets, in which it was frequently very difficult to determine to what court or kind of cases they referred. This fact will account for much in the report that is not entirely clear. But the result will probably be helpful to one who desires to use these county records for research purposes.

The examiner desires to bear witness to the extreme kindness of the officials who had the records in charge. In no case did he meet any but the most courteous treatment, and he believes that no student properly indorsed need fear that he will not be given similar treatment should he desire to make research in the same places. Most of the records are preserved in adequate fireproof rooms, and in some of the counties, notably in Wake, Mecklenburg, and Cumberland, the accommodations and security are extremely good.

## CHOWAN COUNTY (CREATED IN 1672).

## CLERK'S OFFICE.

Minute dockets, 1704, 1711, 1724, 1727-1737, 1745, 1747-1750, 1752-1753, 1758-1770, 1772-1781, 1786, 1788-1813; and there are minute and reference dockets together for 1735-1738, 1751-1759.

Minute docket, superior court, 1868-1902.

Trial dockets, 1727, 1734-1737, 1757-1781, 1785-1805, 1807-1812, 1818-1827, 1830-1834, 1843-1847.

Execution dockets, 1756-1762, 1764-1808.

State dockets, 1758-1762, 1780-1843.

Equity dockets, 1702-1799.

Criminal dockets, 1770-1780.

Judgment docket, 1868-1902.

Summons docket, 1868-1902.

Criminal docket, superior court, 1868-1902.

Civil dockets, 1760-1763, 1765-1768; and 8 vols. 1798-1894.

Reference dockets, 1726-1728, 1734-1737, 1739-1742, 1744-1745, 1752, 1756, 1759, 1761-1762, 1769, 1827; and minute and reference dockets together for 1735-1738 and 1751-1759.

Chief justice's docket, October, 1770.

General court docket, 1736.

Inferior court proceedings, 1764.

Processions dockets, 1756.

Prosecutions, 1797-1805.

Executions of fines of jurors, 1783-1809.

Account of fees of court officials, 1763-1771.

Record of accounts, 1868-1902.

Record of settlements, 1868-1902.

Entry book, Chowan, 1796-1798.

Assize docket at Bath, Newbern and Wilmington, 1739-1740, 1742.

Lists of ships entered port of Roanoke, 1769-1771.

Bonds for vessels entered in port of Roanoke (James Iredell, collector), 1773.

"Rum and wine duty book," 1767.

Exports, 1772-1775 (custom-house papers, 1775).

Journals of assemblies, 1700-1708.

Account of ordinary licenses, 1777.

Beef book, estate of R. Roberts, 1802-1807.

Account book, 1759-1762, 1771, 1785.

Robert Palmer account books (2), 1762.

William Romboyle's account book, 1799-1811.

John Johnston, 1754.

Tax list, 1782-1784; 1784, taxables; 1784, land.

## REGISTER'S OFFICE.

## Deeds.

Go back to 1700 and up to date, all in bound volumes except a few loose sheets, and these were ordered by the court to be copied into the bound volumes. A few earlier than 1700. Indexed.  
Records of mortgages, began in separate series in 1880, to date.  
Record of chattel mortgages, 1897 to date.

## CRAVEN COUNTY (CREATED IN 1712).

## CLERK'S OFFICE.

## Minute dockets.

County court, 1747-1857.

Superior court, 1747-1820, 1843-1858, 1868-1902.

## Trial dockets.

County court, 1789-1868.

Superior court, 1845-1859.

Appearance dockets, 1759-1770, 1783-1868.

## Execution dockets.

County court, 1754-1870.

Superior court, 1752-1762, 1764-1806, 1825-1828.

State dockets, 1787-1808. 1813-1868.

Reference dockets, 1773-1782.

Superior court references, 1737-1759, 1771-1813.

Equity minutes, 1850-1860.

Equity dockets, 1850-1870.

Special proceedings, trial dockets, 1868. (Record of probate affairs.)

Minutes of special proceedings, 1868-1902.

Judgment dockets, 1868-1902.

Criminal dockets, superior court, 1868-1902.

Summons dockets, superior court, 1868-1902.

Civil issue or trial dockets, 1868-1902.

Record of wills, 1784-1902.

In will book A are copied two old court records from 1713-1716,

Bath County, Craven precinct.

Record of accounts, 1868-1902.

Records of settlements, 1868-1902.

Orders and decrees, 1868-1902.

Stock marks in minutes, 1847-1849.

County claims, 1829-1846.

Constables' bonds, 1850-1859.

Road book, 1784-1806.

Sheriffs' receipt book, 1836-1843.

Settlements for county trustees, 1817-1856.

Sale book and hiring book of the clerk and master in equity of Craven County, 1858-1869.

Deeds proved, 1786-1799.

Justices' executions levied on land, 1842-1857.



Constables and overseers, 1807-1832.

Commissioners of affidavits, 1853-1885.

List of persons authorized by the North Carolina government to take affidavits; transmitted from Raleigh. In the same book are lists of magistrates, 1877.

Records of incorporations, 1868-1902.

Index relating to estates.

Protests of sailing masters fearing damage to cargo, 1836-1842.

Guardian bonds, 1868-1902.

Administrators' bonds, 1868-1902.

Settlements and divisions of estates, 1829-1866. 6 vols.

Bastard bonds, 1870-1880.

Large number of papers in bundles filed with suits, etc.

Abstract of the Army.

Accounts of the North Carolina Line settled by the commissioners at Halifax, September 1, 1784, to February 1, 1785, and at Warrenton in September, 1786, designating by whom the claims are receipted for respectively—(A printed copy in possession of the clerk of court. Small 4to.) Also vouchers of soldiers of Continental Army passed December, 1785, and minutes of Newbern Liberty Company, June 11, 1822. (Old papers.)

#### REGISTER'S OFFICE.

Deeds, 1739-1902.

Chattel mortgages, 1873-1902.

Agricultural lien and chattel mortgages, 1899 to date.

Records of land patents, 1772-1902.

Entry book, 1783-1796, 1800-1809, 1813-1817, 1828-1834. (Last three are in 1 vol.)

Registry of official bonds, 1868 to date.

Records of county commissioners, 1868 to date.

Licenses to trade, 1874-1902.

Road book, 1842-1868.

Stock marks, 1874 to date.

County trustees' settlements, 1837-1868.

Minutes of county board of education, 1874-1902.

Records of deeds of property sold by county, 1874-1902.

Sheriff's deeds, 1801.

All deeds of county officials are kept in this office.

Tax book, 1868-1902.

Records of elections irregular, recent years only.

Election books, 1880-1902.

Marriage records, 1851 to date.

Records of certificates of negroes who had been slaves, as to their marriage, 1866-1867.

## CUMBERLAND COUNTY (CREATED IN 1754).

## CLERK'S OFFICE.

Minutes of county court, 1741-1744, 1749-1752, 1754-1758, 1784-1804,  
1806-1832, 1835-1846, 1858-1870.  
Trial dockets, 1770, 1822, 1829-1840.  
Appearance docket, 1780-1818.  
Executions docket, 1808-1818, 1834-1839.  
State dockets, 1788-1816.  
Reference dockets, 1795-1816.  
Appeal dockets, 1749-1755, 1780-1846.  
Argument dockets, 1791-1818.  
Recognizances, 1789-1808.  
Clerk's report book, 1817-1827.  
Constable levies, 1808-1834.  
Tax list, 1770-1780.  
Road book, 1825-1839.  
Divisions of estates, 1818-1860.  
Administrators' accounts.  
County court records before Revolution, sent to Raleigh for use of  
Colonel Saunders, not returned.  
Books A, B, and C were these records.  
Dockets.  
    (1) Minutes, summary of each case.  
    (2) Judgments dockets.  
Probate papers.  
    (1) Records of accounts.  
    (2) Records of final accounts.  
    (3) Register of wills.  
    (4) Cross index to the above.  
County records of incorporations.  
County court took up all administrative and judicial business.  
    Probate business was changed in 1868. No index before 1868.  
    Much confusion.  
Will book, from 1796 to date.  
Execution docket.  
Records of court of equity.\*

## REGISTER'S OFFICE.

Deeds, 1754 to date. Vols. A-L5.  
    Included in this were records of grants.  
Chattel mortgages, 1754 to date. T. 3-I5.  
Agricultural liens, 1899 to date. Vols. 1 and 2.  
Commissioners' minute books.  
    Register is secretary of county commissioners.  
Tax lists, 1830 to date.  
Records of marriages, 1851 to date. Vols. A, B, C, and D. (Licenses  
    returned.)

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\* These items without date appear thus in the notes taken by the examiner.  
They refer to the records for the *post bellum* period.

## GUILFORD COUNTY (CREATED IN 1770).

## CLERK'S OFFICE.

## Minute dockets.

County court, 1731-1885, 1895 to date.

Superior court, 1866-1873.

## Trial dockets.

County court, 1779-1785, 1789-1868.

Superior court, 1859-1869.

## Appearance dockets, 1842-1868.

Included with trial dockets.

## Execution dockets, 1813-1887.

## State dockets, 1811-1868.

## State dockets, superior court, 1855-1868.

## Equity court.

Minute dockets, 1807-1823, 1827-1868.

Trial dockets, 1835-1868.

## Special proceedings (before clerk), 1887 to date.

## Probate court dockets, 1874-1887.

## Judgment dockets, 1869 to date.

## Judgment dockets, State costs, 1895-1899.

## Criminal dockets, 1874 to date.

## Summons dockets, 1868-1883, 1889-1896.

## Civil issues, 1869-1899.

## Lien dockets, 1880-1898.

## Order and decree dockets, 1886-1892.

This is vol. 1, and refers to special proceedings before the superior court.

## Orders and decrees, 1869 to date.

Records of courts-martial of regiments, of regiment of cavalry in the Fourth Division, Eighth Brigade, Eighth Regiment, North Carolina Militia, 1806-1853, not complete.

## Cost book, 1796.

## Wills, 1777 to date.

## Records of accounts, 1878 to date.

Includes administrators, guardians, etc.

## Records of settlements, 1826-1844, 1853-1862, 1889-1898.

## Records of settlements with sheriffs, 1833-1877.

In these books are also records of special proceedings, 1772-1777.

## Inventories, 1816-1868.

Contains lists of sales also.

## Inventories and settlements, 1814-1825.

## Road dockets, 1824-1853.

Minutes of actions of county court in regard to roads.

## Deed record, 1853-1872.

Minutes of deeds proved in court.

## Records of corporations, 1886 to date.

## Apprentice indentures, 1871-1888.

## Guardian bonds, 1871-1899.

Guardian docket, 1822-1868.

Administrators' bonds, 1871-1898.

Appointment of executors, 1870-1890.

Appointment of administrators, executors, and guardians, 1891-1897.

Records of widows' year's support, 1886-1901.

Contains widows' dowers also and shares allotted to same.

Record of dower, 1887-1897.

Marriage record, 1853-1867.

Begins with a note saying that it was kept in compliance with a law of the session of 1850-51, chap. 84.

Permanent registration roll, 1902 to date.

Papers filed in bundles. Number in fireproof vault.

#### REGISTER'S OFFICE.

Deeds, 1771 to date, complete.

Division deeds, 1873 to date.

Plats in book. Records of division of land.

Plat book of Guilford County.

Plats filed in this book, mostly city property.

Mortgages, 1871 to date, in consecutive numbers.

Records of official bonds, 1892 to date.

Minutes of county commissioners. Nos. 1-6.

No. 1 is warden's reports, 1838-1868; No. 2, "county register," 1868-1874; after No. 2 they run regularly as minute books of county commissioners.

Report of clerk to county commissioners, 1887-1898, called "official reports."

County finances (county and school funds). No. 1, 1834-1874; No.

2, 1860-1888 (assessments, etc.), 1887-1897 (school districts); No.

2, 1889-1897, all kinds of county finances.

Tax books, 1873 to date.

Abstracts from 1891.

Marriage records, 1867 to date.

Before that they were filed in clerk's office. Now they are issued by register. He keeps book and licenses are returned to him.

#### MECKLENBURG COUNTY (CREATED IN 1762).

##### CLERK'S OFFICE.

Minute books.

County court, 1774-1874. 11 vols.

Superior court, 1811 to date. 13 vols.

Trial dockets.

County court, 1811-1868.

Superior court, 1861-1869.

Criminal court, 1885 to date.

H. Doc. 429, 58-3—39

Appearance dockets, 1797-1810, 1812-1868.

Appearance dockets, equity, 1862-1868.

Execution dockets.

County courts, 1785-1797, 1804-1854, 1857-1869.

Superior court, 1811-1828, 1864-1868.

State dockets, 1774-1783.

Contains "Crown Causes for Tryal to July Sess 1775," signed by Robert Harris, Abraham Alexander, and Robert Irwin. Same docket for October, 1775, signed by Richd. Barry, Hez. Alexander, and Robert Irwin. Same court was held for January, 1776, but not signed at end of this docket. There are entries of three "New Crown Causes to January session A. D. 1776" (meaning 1777). On next page comes in direct continuation, "State of North Carolina Causes to July session, 1777," and this docket is signed by "Abm. Alexander, Hez. Alexander, David Reese, Eph. Brevard, Wm. Wilson, Edward Giles, and Jno. McK. Alexander."

State dockets, 1828-1808.

State execution dockets, 1860-1881.

Equity court minute dockets, 1822-1852, 1859-1868.

Equity court trial dockets, 1846-1859.

Probate court records, 1868 to date. 1 vol.

Judgment dockets, A to J, 1868 to date. Index.

Same as old execution dockets.

Judgment docket.

County court, criminal, 1884 to date. (This is a new court. Superior since 1901.)

Circuit criminal court, 1893-1897.

Criminal dockets.

County court, vol. 2, 1890-1895.

Circuit criminal court, 1897-1901. Since 1901 these records go into superior-court records, with a special term. (Criminal dockets, No. 1, 1901 to date, and minute dockets, criminal court, No. 1, 1901 to date.) Minute docket in circuit court, above, 1899-1901.

Inferior court, 1878-1885.

Summons docket, 1869 to date. 4 vols.

Civil issue dockets (1-8), 1869 to date. 8 vols. Indexed.

Lien dockets, 1875 to date. (Liens filed.)

Orders and decrees (1-10), 1869 to date.

Petitions for divisions of land, etc.

Minute dockets.

Circuit criminal court, 1895-1898.

Inferior court, 1877-1885.

Fee and execution docket, inferior court, 1879-1885.

"Sci. fa. docket," 1825.

Recognizances, 1825-1853.

Appeals for trial, 1810-1828.

Cost book.

Records of jurors (lists), 1893-1900.

Will books, A-O, 1762 to date. Cross index.

Records of accounts, 1785 to date. 12 vols.

Contain inventories and settlements to 1869.

Records of settlements, 1869 to date. 3 vols.

Settlements of guardians, etc.

Lists of magistrates, 1889-1903.

Records of incorporations, 1884 to date. 2 vols.

Guardian bonds, 1870 to date. 5 vols.

Administrators' bonds (1-7), 1870 to date.

Records of inquisition of lunacy, 1899 to date. 1 vol.

Pension roll, 1889 to date. 1 vol.

Tax lists, 1860 to date, with omissions in sixties and seventies.

Poll-tax registry, prior to May 1, 1902. (Laws of N. C., 1891, ch. 89, sec. 13.) 1 vol.

Permanent registration roll, 1902 to date.

Election book.

Record of the vote for President, members of Congress, and State and county officers, 1880-1900.

Cross index to special proceedings.

Cross index to summonses.

Many old court papers in bundles, marriage bonds, bastard bonds, trial papers, and State papers.

#### REGISTER'S OFFICE.

Deeds, 1762 to date, complete.

Records of county commissioners, 1869 to date.

Marriage records, 1850 to date.

Marriage licenses, 1866 to date.

#### ORANGE COUNTY (CREATED IN 1751).

#### CLERK'S OFFICE.

Minute docket, 1752-1838, 1840-1845, 1847-1857, 1875-1882; 1752-1793, records of deeds proved in court, supplementary to the regular minute docket.

Minute docket, superior court, 1881-1897.

Trial docket, 1768-1777, 1782-1866.

Execution docket, 1768-1773, 1794-1828.

State dockets, 1795-1828, 1859-1869.

Accounts of clerk as receiver in this book, 1875-1902.

Special proceedings, 1878-1902.

Criminal docket, 1868-1885.

Summons docket, 1868-1903.

Civil issue docket, 1868, 1882, 1886-1898.

Equity partitions, 1859-1903.

Orders and decrees, 1868-1902 (1870-1875, probate court records).

Lien dockets, 1873-1903.

Records of wills, A-I, 1757-1903.

- Records of settlements, 1868-1882.
- Guardian accounts, 1819-1853.
- Inventories, 1800-1836, 1845-1867, 1880 to date.
- Guardian record, 1866-1902.
- Appointment of executors, 1870-1903.
- Record of insanity, 1899-1903.
- Poll-tax register, 1902 to date.
- Permanent registration, 1902 to date.
- Marriage records in clerk's office till date.
- Begin in 1751-1760. Before that time the marriage bonds are preserved. They were not sure evidence of marriage, but of intention to marry. Bonds are preserved filed in packages.
- Dismission papers of county court, old superior court, and court of equity.
- Preserved irregularly in bundles.

## REGISTER'S OFFICE.

## Deeds.

- All are preserved but Book A, which is missing. This book has records from 1757 to 1764. Before that date some deeds were collected from miscellaneous sources and these are preserved.
- Records of county commissioners, 1808 to date.
- Tax lists, 1868 to date.
- Before 1868 they were filed in the county clerk's office. They are preserved in bundles, by years, and are not indexed. They were originally returned by military districts.
- Marriage records are kept from 1868 to date.
- Rev. Mr. Murphy, former rector of St. Matthew's parish, published in a pamphlet all the available vestry records. There were not many.

## PASQUOTANK COUNTY (CREATED IN 1672).

## CLERK'S OFFICE.

## Minute dockets.

- County court, 1785-1814, 1853-1881.\*
- Superior court, 1828 to date.
- Trial dockets, 1732, 1771-1775, 1785-1798, 1807-1850.
- Appearance dockets, 1840-1842, 1860-1868.
- Execution dockets.
- County court, 1770-1862, 1867-68.
- Superior court, 1822-1869.
- State dockets, 1781-1784, 1798-1866.
- Reference dockets, 1745, 1753, 1756-57, 1759-1775.
- Judgment dockets, 1867 to date. 3 vols.
- Civil dockets, 1798, 1804-1840, 1842-1844, 1856-1860.
- Minutes of equity court, complete, from 1868 to date.

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\* There are also preserved a few broken records in a book dated 1737-1792.

Laborers and mechanics' liens, 1889 to date.  
Orders and decrees, 1869-1898.  
Petition docket, 1856-1868.  
Fees due at court, 1754.  
Will book, 1786-1887.  
Records of accounts, 1868-1895.  
Account book (1), 1818.  
Accounts sales, 1797-1867.  
Records of settlements, 1868-1891.  
Inventories, 1797-1854.  
Marks and brands, 1795-1822.  
Constables' bonds, 1856-1861.  
Colored apprentices' bonds, 1842-1861.  
Apprentice book, 1798-1815, 1823-1833.  
Guardian bonds, 1798-1805, 1808-1869.  
Administrators' bonds, 1798-1813, 1816-1821, 1824-1837, 1839-1868.  
Account current, settlements and divisions, 1777-1845.  
Orphans' accounts, 1757-1783, 1787-1797, 1809-1815, 1836-1845, 1856-1863, 1865-1868.  
Wardens of the poor, 1806-1832.  
Records of births and marriages, 1719-1737.  
Certificates of residence, registry of marks, etc., in 1 vol., 1719-1767.  
Tax lists, 1810, 1813-1815, 1818, 1820, 1822, and two with dates gone.  
Oyster tax receipts, 1895-1901.

## REGISTER'S OFFICE.

Deeds, 1700-1902.  
Chattel mortgages, 1779-1902.  
Division book, 1793-1885.  
Bonds, 1868-1885.  
Minutes of county commissioners, 1868-1873.  
Record of official reports, 1878-1897.  
Records of accounts, 1897-1902.  
Tax list, from about 1875 to 1902.  
Kept irregularly.  
Marriage register, 1865-1902.  
Large number of old papers loose in 26 boxes.

Many of them are papers on which reports have been made up. Perhaps some of them contain valuable papers. Many of them are in the eighteenth century and go back as early as 1730. They are not yet classified, and it is impossible to give useful references to them.

## PERQUIMANS COUNTY (CREATED IN 1672).

## CLERK'S OFFICE.

Minute docket, county court, 1738-1768, 1779-1783, 1791-1887, 1899 to date (1738-1768 in will book D).  
Trial dockets.  
County court, 1787-1799, 1806-1858, 1860-1868.  
Superior court, 1807-1868.



Execution docket, 1784-1864, 1868.

State docket.

County court, 1842-1868.

Superior court, 1840-1857.

Equity dockets, 1824-1868.

Record book, equity court, 1838-1840.

Special proceedings, 1880 to date.

Proceedings of the probate court, 1871-1880.

Judgment docket, No. 2, 1899.

Criminal docket, 1835-1842, 1868 to date.

Summons docket, 1869 to date.

Civil docket, 1859-1862.

Civil docket, superior court, 1853 to date.

Reference dockets, county court, 1754-1755, 1783-1790.

Records of orders and decrees, 1868 to date.

Records of witnesses, 1797-1805.

Records of wills, 1742-1768 (only 8 wills) ; 1794-1902.

Records of inventories, 1804-1827, 1837-1868.

Inventories and accounts of sales, 1809-1868.

Records of accounts of sales, 1804-1830, 1868-1881.

Records of settlements, 1865 to date.

Records of accounts of administrators, executors, and guardians, 1892 to date.

Also in clerk's office are various loose papers filed in document cases, relating to inventories, executors' accounts, special proceedings, judgments, etc.

Justice dockets.

Magistrates courts in various townships, as follows: 1869-1884, 1886, 1897.

Clerk's book of fines, penalties, etc., 1888.

Constable and sheriffs' levies, 1840-1857.

Letters to comptroller, 1840. (Few letters.)

Registry of licenses to trade, 1869-1879.

Records of incorporations, 1898 to date.

Indenture bonds, 1852-1858, 1870-1890.

Apprentice books, 1842-1851, 1858-1866.

County court division book, 1845-1861.

Guardians' bonds, 1842-1887.

Guardian dockets, 1809-1829, 1847-1865.

Guardian book, 1864-1865.

Guardian accounts, 1829-1834.

Administrators and guardians' accounts, 1809-1837.

Appointment of executors, guardians, etc., 1868 to date.

Administrators' bonds, 1842 to date.

Executors' dockets, 1808-1843.

Orphans' dockets, 1806-1820.

Bastard bonds, 1857-1879.

Reports of auditors, 1804-1827.

Lis pendens, 1889-1897.

Register of physicians and surgeons, 1889-1899.

Tax lists, 1843-1866.

Lists of voters of various precincts, 1896-1897. 23 vols.

Lists of taxables of the county at various times in the eighteenth century, inventories, court writs, commissions, etc., wills done up in bundles, and many of them in advanced state of decay.

#### REGISTER'S OFFICE.

Deeds, 1681 to date.

Records of mortgages, 1890 to date.

Records of chattel mortgages, 1883 to date.

Records of real estate mortgages, 1885 to date.

Agricultural liens and chattel mortgages, 1901 to date.

Records of plats of land, 1809-1902.

Entries of lands, 1834-1876, 1879-1902. (None in interval.)

Official bond records, 1868 to date.

Minutes of county commissioners, 1880-1902.

Record of official reports, 1875-1902.

School register, 1872-1894.

Record of the committee of finance, 1845-1872.

Record book of Perquimans County poorhouse, 1874-1902.

Records of towns and incorporations, 1759-1824.

Records of marks, 1875-1902.

Election book, record and returns, 1884-1902.

Marriage licenses, register: 1867 (white); 1867 (colored).

Marriage bonds, 1844-1855.

Record of marriages of freedmen, 1866-1867.

A book of entries of the marriages of negroes. Prepared by officials in the days of reconstruction; it goes back to 1825 in records of marriages; evidently taken from the evidence of the freedmen.

Records of marriages and births, 1679-1754. 3 vols. (Mutilated.)

#### ROWAN COUNTY (CREATED IN 1753).

##### CLERK'S OFFICE.

Minute dockets.

County court, 1753 to date. (1869 incomplete.)

Superior court, 1782-1819, 1822-1848, 1850-1870. (1822-1827 in bad condition; 1847-48, 1856, and 1870 unbound.)

Trial dockets, 1753-1783, 1786-1826, 1832-1836, 1848-1868.

Trial dockets, superior court, 1779-1785, 1790-1869.

Appearance docket.

County court (quarter sessions), 1809-1868.

Superior court, 1807-1869. (1790-1807 in reference docket mentioned below.)

Execution docket.

County court (quarter sessions), 1761-1868.

Superior court, 1767-1772, 1790-1869, 1803-1808 contains in back "an extra Doct. of Executions," March term, 1791.

State dockets (criminal cases), 1761-1869. (6 contains mostly recognizances, but is marked State dockets.)

Reference dockets.

County court, 1814-1848.

Superior court, 1767-1773. (Some trial dockets in this book.)

Dockets of reference and appearance causes (superior court), 1790-1807.

Probate matters (deeds, etc.), 1819-1822.

Criminal dockets, 1869 to date. 6 vols.

Minute dockets, inferior court, 1877-1883.

Judgment dockets, inferior court, 1877-1883.

Index to judgments, inferior court, 1877-1883.

Criminal dockets, inferior court, 1877-1883.

Summons docket, superior court, 1869-1883.

Civil issue docket, 1869 to date. 6 vols., with cross index.

Civil dockets, superior court, 1784-1789.

Dockets for Salisbury superior court, 1755-1770. (1755-1766 appearance.)

Recognizance docket, 1790-1870.

Petition docket, county court, 1807-1832.

Clerk's book of fines received by treasurer (laws 1879, ch. 96, sec. 3); 1880-1885.

Records of wills, 1753 to date.

Records of accounts, 1868 to date. 5 vols.

The large number of notes in inventories mentioned as "bad and desperate accounts" shows how the country had suffered by the war. This refers to the years 1868-1869.

Records of settlements, 1869 to date. 5 vols.

Inventories and accounts register, 1849-1864.

Receipt book (contains many receipts of money paid by clerk), 1811-1824.

Allowances by the court for various services, patrols, etc., 1807-1836.

Overseers' orders (roads), 1824-1831.

Guardians' accounts, 1849-1860.

Settlements of estates, 1849-1860.

Record book; contains many inventories.

Records of wardens of the poor, 1818-1865.

Tax list, 1809-1814 (tax book of Salisbury town and one district, 1860), 1841-1849.

Schedule of the whole number of persons taken within the division allowed to Alexander Frohock, viz, Rowan. (It is a census.) No date; perhaps early in nineteenth century.

List of militia companies (roster), 1802-1804, 1807. (Shows the amount of land owned by the freeholders. It was returned for purposes of taxation.)

A number of private account books, filed with accounts of estates, etc. Many papers in bundles on which cases are based.

## REGISTER'S OFFICE.

Deeds, 1753 to date. Index.

Old series, includes all kinds of deeds.

Mortgage deeds, real and chattel, 1833 to date. Index.

Entry book for public lands, 1753 to date (but there are omissions in the early years; these can probably be supplied from the records of the secretary of state, Raleigh, N. C.)

Records of official bonds, 1894 to date.

Records of county commissioners, 1868 to date.

Records of official reports, treasurer's accounts.

Records of board of superintendents of common schools, 1847-1881.

Books of sheriffs, for county taxes, 1872 to date.

Marriage records, 1851 to date.

Before that date marriage bonds were filed with clerk. Kept in bundles in his office. For the period during the war there were a few volumes with mutilated leaves. This is said to have been done by Northern soldiers; entered in books.

## WAKE COUNTY (CREATED IN 1770).

## CLERK'S OFFICE.

Minute dockets.

County court, 1771 to date.

Superior court, 1827-1852, 1871-1889.

Trial dockets, 1848-1851.

State dockets, criminal suits.

Trial dockets, equity, 1851-1866.

Minutes probate court, A, B, and C, 1878-1883.

Judgment dockets, superior court and for magistrates.

All judgments are here docketed—civil and criminal judgment dockets.

Judgments, taxes, suits to recover taxes, 1877-1884, 1886-1887.

Judgments of superior court, 1869-1890. 6 vols. with indexes.

Judgment rolls, criminal, State papers, civil issue, records of trials. 18,000 rolls, manuscripts unbound.

Criminal dockets, 1877-1879, 1887-1899.

Summons dockets, 1874-1878.

Summons dockets, superior court, 1877-1896.

Civil issue dockets, 1869-1870.

Civil issue dockets, trials, A, B, and C, 1868-1902.

Orders and decrees, 1868 to date.

Refers to probate court. Begins with special trial proceedings docket. Trial is before clerk of court as judge of probate. (This title has been abolished.) The final record goes to the order and decree docket.

Lists of jurors, 1893-1903.

Clerk's book of fines, 1879 (not kept up).

Records of assize<sup>ment</sup>, 1894-1903.

General record of wills, and cross index of wills. Both go back to 1771.

Records 1-35, 1770.

Nov. court, 1878, contain wills, inventories, guardian bonds, guardian accounts, dowers, etc. Volumes indexed.

Lien dockets, 1811-1901. Abstracts of liens.

Records of accounts, 1868-1873, 1875-1878.

Records of incorporations, 1883-1903.

General index of administrators and guardians.

General index to dowers.

General index to divisions of land.

Appointment of receivers, 1868-1903. A-D.

Records of amounts paid for indigent children, 1899 to date.

Records of examinations in lunacy, 1899 to date.

Permanent registration roll. (Refers to the "Grandfather clause.")

Records of trials before 1868 are in trial dockets and execution dockets (some as modern judgment dockets) and equity dockets.

But the real matter of trials is in the judgment rolls.

Records of widows' year's support (\$300 *v.* all creditors), 1878-1903.

Record of dowers, 1878 to date.

Record of partitions of lands and general index referring to partitions and sales.

#### REGISTER'S OFFICE.

Mortgages and deeds are preserved in one series from 1771 to 1901.

From 1901 they are preserved in separate series. Many old deeds which have not been called for after registration are preserved in bundles.

Chattel mortgages. A new series kept since 1901. 3 books.

Lien bonds. 3 books to date.

Records of county commissioners.

Tax-books. A large number of them are in a garret; said to be complete.

Marriage licenses and index, 1851 to date, 13.

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## PART II.

[By Prof. Charles Lee Raper and Mr. J. H. Vaughan.]\*

### NEW HANOVER.

The records of this county are especially important. It was at one time a very large district, and it has located within its bounds the largest city of the State, Wilmington.

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\* The work of examination was done by Mr. Vaughan, fellow in history in the University of North Carolina. The condition of his health prevented an exhaustive examination of the contents of many of these records.

Its records are to be found in the offices of the register of deeds of the county, of the clerk of the court of the county, and of the city clerk of Wilmington.

In the office of the register of deeds are 120 volumes of deeds and mortgages, from 1735 to the present, and 16 volumes of a general index to these. For the first six years of the county there are no such records, but from 1735 to the present the records are almost entirely complete. The records are now in excellent condition, good copies having been made of all of them from the first to 1824, and they are kept in a fireproof vault and upon steel shelves. These volumes of deeds and mortgages contain the specifications of the grants of land made by the Crown during the colonial period and of the land transactions between the inhabitants throughout the existence of the county. Here are also tax books, in 30 volumes, from 1874 to the present. The tax books for years earlier than 1874 are not complete or easily accessible; there are a few volumes, though mutilated, going back as far as 1847. They are kept in a vault beneath the office of the register of deeds, and are in a very chaotic condition. The volumes on taxes contain the race, whether white or negro, of the taxpayers and also their ages, as well as a statement of the value of their real and personal property. There are also in this office 8 volumes of the records of marriage licenses, from 1843 to the present.

In the office of the clerk of the county court are 9 volumes of wills. These cover the period from 1792 to 1904. Wills prior to 1792 are recorded in the volumes on deeds and mortgages, and are, therefore, to be found in the office of the register of deeds in the first 6 volumes of deeds and mortgages. The records of wills, as well as the records of deeds and mortgages, contain many most valuable and interesting facts of an economic and social nature. They are invaluable to the student of the economic history of the colony and State. The fact that the clerk's office has 14 volumes of "tax lists," covering the years 1837 to 1859, and the register's office 30 or more volumes of "tax books" indicates that there is no well-defined place for the keeping of records which have only historical, not present, value. In this office are also found 67 volumes of the records of the trial and reference docket, 1749-1848; 30 volumes of the records of the execution docket,

1776-1868; 62 volumes of the minutes of the superior court, 1825-1904; 10 volumes of the records of the judgment docket of the superior court, 1868-1904; 6 volumes of the records of the special proceedings of the superior court, 1877-1904, and 3 volumes of the summons docket, 1886-1904. The records of the county court for the State period are, therefore, reasonably complete; and they give a history of the proceedings of this court, as well as throw much light upon the economic, social, and moral aspects of the people. The records of the colonial period are very incomplete, but those which are left are of much value. The records in this office are kept in a fireproof vault, provided with steel cases. Some of the earlier records have been copied, but not to the same extent as the records in the office of the register of deeds.

The office of the clerk of the city of Wilmington contains several volumes of valuable records. These are in a fireproof vault. Many of the city records have, however, been lost or destroyed. There are 3 volumes of the records of the city—1858-1866, 1870-1875, 1895-1896. These contain the transactions of the city as a corporate body, and also the changes which have been made in this body by the legislature of the State. The laws and ordinances passed by the city for its own government fill three volumes. There is a "block book," in one volume, 1872, which contains a description of each city block, with its location, boundaries, name, and valuation. The issues of city bonds for regular and special purposes for the years 1857 to 1872 are recorded in 1 volume under the title of "town bonds." There are also in this office 4 volumes of the records of the board of aldermen, from 1875 to the present. These give the dates of the meetings of the board and the minutes of its transactions.

#### BRUNSWICK.

The records of this county, which was formed in 1764 out of New Hanover and Bladen, are to be found at Southport, in the offices of the register of deeds and of the clerk of court. These records are for the most part in fair condition and are kept in fireproof vaults.

The register's office has the records of the deeds, the mortgages, the land grants, the bills of sale, and the wills for the

whole period of the county--all in the same set of books. There is 1 extra volume of the records of land grants, 1788-1815; and for the years 1901-1904 there are 2 volumes of mortgage records. These records of deeds and similar documents contain much of the most valuable material for the economic and social historian. In this office are also to be found the following records: Six volumes of the minutes of the county commissioners, 1803-1904; 4 volumes of the records of marriages, 1853-1904; 2 volumes of the records of officers' bonds, 1868-1883; 2 volumes of the records of elections, 1880-1904; 1 volume of the records of court claims, 1856-1869; 1 volume of the records of the acknowledgments of cohabitation (common-law marriages), 1886-1870. It will be seen that this miscellaneous collection of records is by no means complete. Whether there were no records made for the years not mentioned above or whether the records for these years have been lost or destroyed we can not say. In spite of their incompleteness, however, they furnish much data upon the life of the county and upon the working of its commissioners.

In the office of the clerk of court the most valuable collection of records is that, in 47 volumes, of the records of the superior court. These cover the period from 1792 to the present. Here are also records of wills, but they are by no means complete. There are a few irregular records of wills, going back as far as 1823, but these are very meager until 1850. Next in importance to the records of the superior court and wills are 11 volumes of the records of the docket of justices, 1874-1886. The records of the fees of the county clerk fill 2 volumes and cover the period from 1868 to the present. There is also a volume of records under each of the following titles: Summons docket, 1869-1904; judgment docket, 1868-1904; minute docket of special proceedings, 1890-1904; orders and decrees of the court, 1869-1899; appointment of executors, 1868-1898; lien docket, 1875-1901; election book, 1880-1901; trial and reference docket, 1848-1864; appearance docket, 1846-1867; appeal docket, 1846-1867; execution docket, 1846-1863; probate court, 1875-1887; inventories and guardian account, 1853-1869; common schools and articles of incorporation of companies doing business in the county. These somewhat miscellaneous records, together



with the records of the superior court mentioned above, constitute an important body of original material for the history of the county and its administrative and judicial aspects.

ON SLOW.

This county was formed in 1734, and its first county site was Johnston. With the destruction of Johnston in 1752, most of the early records were lost. There are left some records going back to the very beginning of the county, and many for the latter half of the eighteenth century. The list of documents here given is, however, by no means complete. When the examination was made a new court-house was in the process of erection and many of the records of the county were then in closed boxes and stored away. An exhaustive examination was, therefore, out of the question. The records of this county, as those already examined, are to be found in the offices of the register of deeds and of the clerk of court.

In the office of the register of deeds there is 1 old volume of the records of deeds for the years 1782-1783. The records of land grants are extant for the period 1790-1904, in 4 volumes. The records of deeds and mortgages for the years from 1806 to the present fill 84 large volumes. The quantity and completeness of these land transactions make the collection very valuable for the economic historian. The people of this county, as of the other counties considered, have devoted most of their energies to agriculture, and consequently a record of their transactions in land is in large measure a record of their life. Much light is also thrown upon the life of the people and the administration of the county's public affairs by the following records: Four volumes of the records of the county claims docket, 1834-1904; 3 volumes of the marriage register, 1851-1904; 4 volumes of the minutes of the county commissioners, 1868-1902; 4 volumes of the records of land entries, 1839-1904; 2 volumes of the records of the official bonds, 1868-1903. There are also volumes, 1 to each of these titles: Official reports, 1879-1902; homestead records, 1869-1903; chattel mortgages, 1872-1889; stock marks, 1878-1904, and oyster grants, 1892-1903.

The office of the clerk contains 10 packages of wills, cov-

ering the wide range from 1735 to the present. These, however, are only in part complete. The records of the superior court are complete from 1869 to the present. Whether the earlier records are in the closed boxes mentioned above, we can not say. There are 2 volumes of the records of incorporations, 1881-1904, and 1 volume under each of the following titles: Fees of the judge of probate, 1896-1904; fees of the treasurer, 1877-1904; accounts of sales by the sheriff, 1869-1896. It will be seen that a great many of the records are not in the present offices of the register and the clerk. It is probable that a great number of the gaps would be filled if all the records were accessible for thorough examination.

#### CARTERET.

This county was formed in 1722. Its records, at Beaufort, are in very good condition and are quite complete. Their condition and completeness are remarkable when one considers the fact that there are no fireproof vaults for their safe-keeping.

In the office of the register of deeds are records of deeds, grants, and mortgages, etc., covering almost two centuries, from 1713 to the present, and they are practically complete and in perfect condition. Probably no other county in North Carolina has a collection of land transactions so complete and valuable as this. This collection is an invaluable storehouse of information for the economic historian, and the fact that it is not kept in a fireproof vault is all the more regrettable. In addition to this great set of land records there are 3 volumes of chattel mortgages, 1889-1904, and 3 volumes of agricultural lien and chattel mortgages, 1900-1904. The marriage register, in 5 volumes, covers the period from 1851 to the present. There are also 4 volumes of the records of the county commissioners, 1868-1904, and 1 volume of the records of oyster grants, 1889-1904.

The office of the clerk of the county has complete records of the superior court for the years from 1724 to the present. This is, perhaps, the most complete collection of the records of the superior court to be found in the State. It has a great amount of data for the student of local government, espe-

cially in its administration of justice. In addition to this most valuable collection of court records, the clerk's office contains 3 volumes of the records of wills, 1829-1904, and several packages of wills. These packages contain some of the wills which are recorded in the volumes just mentioned and also some which belong to an earlier period.

#### BEAUFORT.

The records of this county, which was formed in 1705, are to be found at Washington. Though these records are fairly complete and most valuable, they have no fireproof place for their keeping.

In the register's office there are 127 volumes of the records of deeds, mortgages, etc., and 13 volumes of a general index to these. These records are complete for more than two hundred years, 1695-1904, excepting 2 volumes, 1807-1813, 1859-1866. This collection of the records of the land transactions, while not kept so well as that of Carteret County, and while 2 of its volumes are missing, is a most important and valuable one. The fact that the only missing volumes belong to war periods is interesting. In addition to this great set of records, there is another of much value, though it belongs to a later period (1880-1904), 48 volumes of the records of lien and chattel mortgages. This is significant, in that there is an average of 2 volumes a year of the records of these mortgages; the habit of buying or borrowing on a mortgage has been very prevalent among the people of this county during the last quarter of a century. This county's tax books are among its important records. The records of the taxables, their property and its valuation, fill 47 volumes, and these do not go back of 1865. The minutes of the county commissioners for the period from 1865 to 1904 fill 9 volumes, and the marriage register, 1851-1904, 5 volumes. The years 1798-1815 have 1 volume of the records of land grants.

In the clerk's office are many important records. By far the most valuable collection is that of the records of the county court, in 64 volumes, and for the period 1750-1904. For this period the records of the court are almost complete, though some of the earlier volumes are in bad condition.

Next in importance to the records of the county court are the 13 volumes of the "orphan book" for the period 1808-1868 and 2 volumes of the records of wills for 1868-1904. The "orphan book" contains the records of wills and the accounts of administrators and guardians. There are also 9 packages of wills. Some of these go back as far as 1750, while others belong to the year 1904. There is a separate volume entitled the "guardian book" for the years 1845-1874, and the records of guardian bonds from 1867 to the present and of administrators' bonds from 1871 to the present fill 5 volumes each. It will be seen that this county has paid careful attention to keeping its records of wills and the settlement of estates, and from these records many valuable and interesting facts of an economic and social nature can be obtained. There are also records, 1 volume each, under the following titles: The records of the proceedings of the magistrates, 1889-1904; of oyster taxes, 1895-1904, and of incorporations, 1886-1904.

#### MARTIN.

This county, being formed in 1774, has necessarily few records for the colonial period. Its records, however, are safely kept in fireproof vaults, and some of the earliest of them have been copied.

The office of the register of deeds at Williamston contains the records of deeds, grants of land, and mortgages for the whole period of the existence of the county. These, with 24 volumes of the records of the liens and chattel mortgages, 1881-1904, and 20 volumes of tax books, 1885-1904, constitute an important collection of records, especially for economic history. The minutes of the county commissioners, in 4 volumes, from 1876 to the present, are also of value. There are, in addition to these, 2 volumes of the records of land entries, 1866-1904; 1 volume of homestead records, 1886-1904; 1 volume of the records of the division of land between members of the family, 1885-1904; 2 volumes of marriage records, 1872-1904; 1 volume of the records of marks and brands, 1885-1904; 1 volume of the records of officers' bonds, 1882-1904; 2 volumes of the records of elections,

1888-1904; 1 volume of the records of widows' dowers, 1904, and 1 volume of the records of strays, 1902.

In the office of the clerk of court are two valuable sets of records. There are wills, in large part complete, from 1756 to the present. Of more importance are the 55 volumes of the records of the superior court of the county. There are also the records of the bonds of guardians and administrators, 1885-1904; of widows' support (one year), 1885-1904; of the clerk's book of fines, 1899-1904; of the inquisition of lunacy, 1899-1904; of jurors, 1899-1904; of the proceedings of the magistrates, 1899-1904, and of incorporations, 1902-1904.

#### TYRRELL.

This county, though formed in 1729, has no records for the first ten years, and some of the records of later years have been lost or destroyed. The records, which are still extant, are, however, very valuable. They are kept in the offices of the clerk of the court and of the register of deeds, at Columbia, and are without any protection against fire.

The important records of the clerk's office are those of the superior court, 1756-1904, in 61 volumes; of the justices' dockets, 1869-1904, and of wills, 1750-1904, in large part complete. From these court records it is possible to write the history of the local administration of justice. While the records of wills are not complete they have much material for the economic and social historian. In this office are also records of apparently a different nature from those of any of the other counties examined. There is a volume of the records of indentures of apprentices, covering the period 1851-1904, and a volume of the records of bastard bonds, 1871-1904. It is probable, however, that all such records in the other counties have been kept in the general records of the court. There are also volumes of the records of the inquisition of lunacy, 1900-1904; of guardians' bonds, 1877-1904, and of administrators' bonds, 1877-1904.

The office of the register has important collections of the records of deeds, land grants, mortgages, etc., for the period 1739-1904; of chattel mortgages, 1891-1904; of land entries, 1835-1904, and of tax books, 1887-1904. These collections are of much value to the student of economic history.

The marriage register, 1877-1904, and the minutes of the county commissioners, 1868-1904, are of considerable value. In addition to these records are volumes of records on the following subjects: Official reports, 1878-1904; official bonds, 1890-1904; cattle ranges and timber marks, 1851-1904.

The seven counties thus examined have a large amount of original material for the historian of local government and of the economic, social, and moral aspects of life. As we have seen, much of this material is kept without any special protection against fire. That much of it has come down to us even in a fair condition is quite remarkable. In some cases records have been lost or destroyed, but not very many of them. There has been a lack of uniformity in the keeping of records, and especially in giving titles to certain collections. In some counties there are apparently no records on certain subjects, but this lack is only in appearance. A further examination reveals the fact that there are such records, but that they have been recorded under other titles.



## PUBLIC ARCHIVES OF PENNSYLVANIA.<sup>a</sup>

### PENNSYLVANIA ARCHIVES.

0 The subjoined list of the contents of the Pennsylvania Archives, second and third series, has been compiled to serve as an aid to the use of the volumes in these series, as well as to make more generally known the character of their contents. Such a list, it is believed, will be of value, inasmuch as the second series is without a general index and most of the volumes are not provided with a table of contents. To a certain extent the same is true of the first 10 volumes of the third series. Volumes xxvii to xxx, however, comprise an index of the proper names found in volumes xi to xxvi of the same series.

The list which follows may be regarded as a supplement to the report on the public archives of Pennsylvania presented in the First Report of the Public Archives Commission, for the year 1900.<sup>b</sup> Since the publication of that report the fourth series of Pennsylvania Archives, Papers of the Governors, 1682-1902, edited by George Edward Reed, LL. D., in 12 volumes, has been issued. (Harrisburg, 1900-1902.) Each of these volumes is provided with a table of contents and index, and volume xii includes a general index to the entire series.

The publication of a fifth series has been authorized by the legislature. This will comprise at least nine volumes. The first five volumes are in press and the remaining volumes are in preparation for early publication. An analysis of the volumes already prepared is also appended. It will be noted that these volumes contain an enlarged and revised list of the

<sup>a</sup> Compiled by Prof. Herman V. Ames, with the assistance of Mr. Luther R. Kelker, Custodian of the Division of Public Records, Pennsylvania State Library.

<sup>b</sup> Report of the American Historical Association, 1900, Vol. II, pp. 267-293



Pennsylvania Line and of the Associators and Militia from Pennsylvania. This work has been rendered possible by the new material brought to light by the recently created Division of Public Records.

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- Pennsylvania coat of arms, 1779. Opposite title-page.
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- Journal of Col. Samuel Miles concerning the battle of Long Island, 1776. pp. 517-522.
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\* Vols. I-XII, published under the direction of Matthew S. Quay, secretary of the commonwealth; edited by John B. Linn and William H. Egle; Harrisburg, 1874-1880. Vols. XIII-XIV, published under the direction of Charles Warren Stone, secretary of the commonwealth; edited by William H. Egle; Harrisburg, 1887-88. Vols. XV-XIX, published under the direction of William F. Harry, secretary of the commonwealth; edited by William H. Egle; Harrisburg, 1890-1893.

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- Bedford County returns, 1779. pp. 159-199.
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*Regni Mexicani seu Novæ Hispaniæ Ludovicianæ, N. Angliæ, Carolinæ et Pensylvaniæ nec non Insularum Archipelagi Mexicani exhibitæ*, by Baptista Hommano.

Map of the Province of Pennsylvania of the three counties of Chester, Philadelphia, and Bucks as far as surveyed. (No date.)

Draft of a survey of an island in the Delaware in the county of Philadelphia, above the mouth of the Schuylkill, by Thomas Fairman, surveyor, 1709.

Draft of a survey of London Land Company, 5,000 acres, Chester County, by Thomas Fairman, surv., 19th day of 6th month of 1709.

*Die Gros-Britannische-Colonie-Laender, in Nord-America. B. New England, New York, New Jersey, and Pennsylvania.* (No date.)

Seven thousand five hundred acres on Delaware River within the county of Bucks, surveyed and laid unto Tobais Collet, Michael Russel, Daniel Quaire, and Henry Goldney. (No date.)

Draft of a survey for the London Land Company, 5,000 acres of land in Gilberts bounded by Scholkil and Perqueaning Creek, by Thomas Fairman, surv. (No date.)

Draft of a survey of John Estaugh and Company's land situated on Conostogoe and the Mill Creek, in the county of Chester, by Isaac Taylor, 1716, 1717.

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\* Edited by George Edward Reed, LL. D.

- Draft of a survey of lands of the London Company, February 21, 1736.
- Map of Pennsylvania, New Jersey, New York, and the Three Delaware Counties, by Lewis Evans, 1749.
- Middle British colonies in America; viz, Virginia, Maryland, Delaware, Pennsylvania, New Jersey, New York, Connecticut, and Rhode Island, and country of the Confederated Indians, by Lewis Evans, 1755.
- Survey of a tract of land lying on Conestogoe Creek, in the county of Lancaster, for the Pennsylvania Land Company in London. Surveyed in 1760 by P. John Lukens.
- Draft of a survey of lands called New Muuster and tract of land called the Society, held under a Maryland patent, made in 1763.
- Map of the British Colonies in the year 1765. From a map of the period.
- Map of the Frontiers of the Northern Colonies, with boundary lines established between them and the Indians at the Treaty held by S. Will Johnson, 1768.
- A map of Pennsylvania exhibiting not only the improved parts of that Province, but also its extensive frontiers. Laid down from actual surveys and chiefly from the late map of W. Scull, published in 1770.
- Map of the Improved part of the Province of Pennsylvania, by W. Scull. (No date.)
- Map of the Province of Pennsylvania, by W. Scull, 1770.
- A map of the Province of New York and New Jersey with a part of Pennsylvania and the Province of Quebec, from the topographical observations of C. J. Sauthier, 1777.
- Survey of the estate of John McCulloch, situated on the east side of the Monongahela between Great Redstone and Dunlap's Creek, by John Lukens on 15th day of August, 1784.
- Draft of a survey of "Coxburg" in Washington County, Nottingham township, containing 313 acres and 93 perches—June 25, 1785. Surveyed by John Lukens.
- Draft of a survey lying on Peters Ck., Washington County, containing 405 acres and 36 perches, by John Lukens, May 7, 1785.
- Draft of a survey of lands situated on the waters of Redstone and Dunlaps creeks in Manallin township, Fayette County, by John Lukens, March 22, 1785.
- A map of the State of Pennsylvania, by Reading Howell, MDCCXCII. (A very large and detailed map.)

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<sup>a</sup> Volumes I-V in press; Volumes VI-IX in preparation.

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 Abstracts of Pension Applications on File in the Division of Public Records, Pennsylvania State Library, p. 375 to 494 inc.

List of Soldiers of the Revolution who received pay for their services. Taken from Manuscript Records having neither date nor title, but under "Rangers on the Frontiers" 1777-1783 was published in Vol. XXIII, Penna. Archives, Third Series, by the former Editor, p. 495 to 647 inc.

Enlistments under Major James Moore, p. 648 to 652 inc.

Muster Rolls &c. of Companies under Major James Moore, p. 653 to 678 inc.

Enlistment Papers for year 1785, Lieut. Josiah Harmar, p. 679 to 682 inc.

Enlistment Papers for year 1788, Brig. Genl. Harmar, p. 683 to 686 inc. (In press.)

**Volume V.**

Muster Rolls of the Associators and Militia from Pennsylvania from the Counties of Bedford, Berks, Bucks, Chester, pp. 821. (In press.)

Volumes VI, VII, and VIII will contain the Muster Rolls of the Associators and Militia from Pennsylvania from the Counties of Cumberland, Lancaster, Northampton, Northumberland, Philadelphia, Washington, Westmoreland and York. (In preparation.)

Volume IX, Index. (In preparation.)



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XVIII.—REPORT ON THE COLLECTIONS OF MATERIAL IN ENGLISH  
AND EUROPEAN HISTORY AND SUBSIDIARY FIELDS IN  
THE LIBRARIES OF THE UNITED STATES.

By WILBUR H. <sup>entry</sup>SIEBERT.



# COLLECTIONS OF MATERIALS IN ENGLISH AND EUROPEAN HISTORY AND SUBSIDIARY FIELDS IN THE LIBRARIES OF THE UNITED STATES.

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By WILBUR H. SIEBERT.

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## INTRODUCTORY NOTE.

The bibliographical committee of the American Historical Association, in offering Professor Siebert's report for publication, takes occasion to call attention to the necessary limitations of such a work and to bespeak for this report the corresponding reserves of criticism. Only those who, like Mr. W. C. Lane in his Harvard contribution, Mr. G. W. Cole in his New York Library Club list (1902), and Miss Salmon and Miss Underhill in their appendix to the New England History Teachers' Association Syllabus (1904), have tried to compile such a list, or those who have searched out for their own studies, or the many librarians who are compelled to give advice to investigators as to where to find material which their own libraries do not afford, can appreciate the immense difficulty of compiling such a list or the great advantage to workers of even the most fragmentary information. Professor Siebert's painstaking industry has gathered a large amount of material of such obvious usefulness that it should escape any captious criticism, at least as to what it does not contain. It was a part of Professor Siebert's original plan to include the locating of individual copies of the great collections of sources, but this extensive and somewhat difficult feature has been merged into another enterprise covering the same ground. Considerable attention has been given by members of the bibliographical committee, Messrs. Max Farrand, A. P. C. Griffin, George H. S. Williams, William C. Lane, Reuben G. Thwaites, and Ernest C. Rich-



ardson, to the matter of helping Professor Siebert to add to his material, but not in such sense or in such degree as to detract from the credit or responsibility of Professor Siebert, to whom they, in common with other students and librarians, are under obligations of gratitude for this report.

For the committee:

ERNEST C. RICHARDSON,  
*Chairman.*

#### PREFATORY NOTE.

In the following report it is intended to describe, under a topical arrangement, the collections of material in English and European history and subsidiary fields to be found in the libraries of the United States, and also to give references to the bulletins and special catalogues issued by various libraries in elucidation of their stores in these fields of learning.

An arrangement by topics is proposed rather than the customary arrangement by libraries, because it is thought that the former will prove more serviceable from the historian's point of view. It will enable the historical inquirer, for example, to find readily what are the general resources on any subject in which his interest centers. It will also exhibit the gaps where, for one reason or another, collections have not been built up, and so possibly suggest lines of individual, or, better, cooperative specialization for libraries that are concerned to attract and serve investigators as well as accommodate general readers.

Pains have not been spared to render the report as complete as possible. In the fall and winter of 1901-2 circulars of inquiry were sent to all libraries in the United States having 10,000 or more volumes and to all professors of European history in the leading colleges and universities of the country. Useful replies were received from most of these, together with printed catalogues, bibliographical contributions, and reports from some. In the summer of 1902 the compiler spent several weeks culling information from the collection of reports of college presidents and librarians in the Harvard University Library, as well as from the catalogues of special collections, which are found among the bibliograph-

ical aids in Harvard and in the neighboring libraries of Boston. The interval that has since elapsed has been covered by gleaning all the pertinent items from the numbers of the *Library Journal*, and finally the report has been submitted to the members of the bibliographical committee of the American Historical Association, with the request for additions and corrections. It is not presumed that the report in the form in which it is presented is all that could be desired, but it is hoped that it may be useful to both investigators and librarians and that it may serve as a basis for fuller notation of collections in the future. It should be added that no systematic attempt has been made to include collections relating to the American colonies.

Respectfully submitted.

WILBUR H. SIEBERT.

#### AFRICA, COLONIAL RELATIONS, EXPLORATION, ETC.

In the Boston (Mass.) Public Library are many works on the geography, exploration, and development of Africa. The library's *Monthly Bulletin* for January, 1894 (pp. 260-304), for 1896 (Vol. I, Nos. I-V), and for December, 1899, contains lists of books on South Africa. The list in the number last named is supplemented by a selection of British state papers relating to the Boer controversy as far back as 1876, and by titles from recent periodicals. Lists on the same subject are printed in the *Bulletin* of the New York Public Library, 40 Lafayette place, New York City. (See Vol. III, pp. 425-461, 502-505.)

A list of titles on Egypt, including the modern history, geography, etc., of that country is given in the *Bulletin* of the Boston (Mass.) Public Library, New Series, Vol. IV, No. 3, pp. 169-211.

A collection of 1,058 books and many pamphlets on Africa, started by a gift of Rev. Dr. J. C. Hartzell, Bishop of Africa, is to be found in the Drew Theological Seminary Library (Madison, N. Y.).

The Boston Athenæum Library has taken special pains for many years to collect books on African travel.

For the whole field of European colonial relations the collections of the Library of Congress, under the guidance of

Griffin's admirably useful list of books relating to the theory of colonization, etc. (second edition, 1900), is the first resource.

The strong missionary libraries, such as those of the great missionary societies, Yale, Hartford Seminary, etc., together with the libraries which are strong in travels, are in general of a good deal of importance for the history of the political relations of Europe with Africa.

#### ANARCHY AND NIHILISM.

An anarchistic library of some 2,000 books, pamphlets, and documents is a recent acquisition of the library of Columbia University (New York City). The collection includes 260 anarchistic books and pamphlets, 252 sets of newspapers and periodicals, a collection of autograph manuscripts and letters, 270 large anarchistic posters, besides photographs, songs, and clippings from newspapers. It is said to be the most complete collection of its kind in the world.

(See also collections on nihilism mentioned under "Slavic history.")

#### ANTHROPOLOGY AND ETHNOLOGY.

The great collection on anthropology in this country and "scarcely to be equaled in any single library of Europe," is that of the Boston (Mass.) Public Library. Prof. William Z. Ripley's *Selected Bibliography of the Anthropology and Ethnology of Europe* contains 2,000 titles, and of these about 95 per cent are in the library. The collection contains a wealth of original material which deals with "the origins, the physical and cultural history of the white races of the earth." Professor Ripley's *Bibliography* was also issued as a publication of the library (170 pp., 1899) simultaneously with its appearance as a supplement to Ripley's *The Races of Europe*. Consult also *European Origin of the Aryans* (Quarterly Bulletin, new series, Vol. I, whole No. 80, April, 1890, pp. 130-134).

In the University of Pennsylvania Library (Philadelphia, Pa.), the Brinton collection, which comprises 4,000 volumes and 1,000 pamphlets, although mainly American, contains a large number of works on physical anthropology and ethnology in general.

Columbia University and the library of Western Reserve University also report special collections in general anthropology.

#### ARABS IN EUROPE.

Collections of manuscripts relating to Arabic history are the Landberg collection in the Yale University Library, the Garrett deposit in the Princeton University Library, and the Camac collection in the University of Pennsylvania Library. (Compare *Library Journal* of February, 1903, for Landberg collection of Yale, and May, 1904, for Garrett collection of Princeton.)

#### ARCHÆOLOGY.

Lists of the periodicals relating to archæology that are to be found in the New York Public Library (40 Lafayette place, New York City) and in the Columbia University Library (New York City) are published in the *Bulletin* of the New York Public Library, Vol. I, pp. 212-226, and Vol. III, pp. 56-76.

The University of Pennsylvania Library (Philadelphia, Pa.) contains an excellent collection of archæological literature in the Brinton and Lamborn and Leutsch collections. The works in the former relate chiefly to Mexico and Central and North America, but there is a large number also on general archæology.

In 1891 the library of Johns Hopkins University (Baltimore, Md.) received a bequest of 8,000 volumes from Mr. John W. McCoy, which is said to be especially rich in works on this subject.

The extensive and valuable collection of Prof. Allan Marquand is deposited in the art museum of the Princeton University, and in connection with the collections of the classical seminary and of the seminary of ancient history and archæology forms an apparatus of distinction in this department.

The Boston Public Library particularly, Harvard, the University of Chicago, Yale, University of Michigan, the Peabody Institute Library, of Baltimore, and the library of the Metropolitan Museum of Art, in New York, and probably other libraries have collections of distinction for one thing or another and probably as deserving as some of those specially mentioned.

## ARCHITECTURE AND THE ALLIED ARTS.

One of the finest collections in existence in this field is the "Henry O. Avery memorial library of architecture and the allied arts" connected with the library of Columbia University (New York City), numbering over 18,000 volumes in 1905.

The President White Library, of Cornell University (Ithaca, N. Y.), contains 1,200 or more volumes relating to architecture and kindred branches.

The library of the school of architecture at the University of Pennsylvania (Philadelphia, Pa.) contained in 1897 over 300 volumes, 12 periodicals, and about 1,500 photographs.

In 1894 the Boston Public Library published a 150-page catalogue of its collections in architecture.

The library of the Massachusetts Institute of Technology is one of the best in this branch.

See also under Archæology and Art.

## ART AND PRINT COLLECTIONS.

The collections of the Library of Congress (Washington, D. C.) for the history of art are of importance. Johns Hopkins University (Baltimore, Md.) has the McCoy bequest of 8,000 volumes, which is rich in works on the history of the various great schools of art, and includes the lives of eminent artists; it also contains splendid folios of engravings reproducing the masterpieces of the great art galleries of Europe. The Cleveland (Ohio) Public Library contains valuable collections of books for the study of art, as does also the President White Library at Cornell University (Ithaca, N. Y.) and the Watkinson Reference Library (Hartford, Conn.). At Syracuse (N. Y.) University will be found the celebrated Wolff collection of etchings and engravings representing the great masters of art in all ages, besides several thousand photographs, engravings, etc., illustrating many of the chief historic works in architecture, sculpture, painting, and the industrial arts. At Tulane University (New Orleans, La.) is the Linton Surget art collection, besides 2,000 volumes in the Linton Surget loan collection. There is also a good collection of 35,000

photographs, also plaster casts, coins, etc., for the illustration of the fine arts, at Harvard University, in the Fogg Art Museum and Robinson Hall, together with many splendid reproductions of mediæval metal work in the Germanic museum. Another similar collection of photographs is in the possession of Dartmouth College (Hanover, N. H.).

The Carnegie Library at Pittsburg contains the Bernd collection of books on art and decoration. The Forbes Library, at Northampton, Mass., is so strong in this department as to have the value of a special collection. The libraries of the Boston, New York, etc., art museums are, of course, to be reckoned with.

Several of our American libraries have notable collections of prints which contain more or less material that is of value to the student of European history. The great collections are: The division of prints in the Library of Congress (Washington, D. C.), created in 1897; the S. P. Avery collection of prints and art books, presented to New York Public Library (New York City) in 1900 by the gentleman after whom the collection is named, and the Gray and Randall collection of prints at Harvard (Cambridge, Mass.). The other large collections of the United States are not connected with libraries, but form "adjuncts to art museums, as at the Boston Museum of Fine Arts and the Pennsylvania Academy of Fine Arts." The Avery collection contains a number of caricatures and posters relating to the Franco-German war; French lithographs by Raffet, Charlet, and others, constituting material for Napoleonic history; delineations of Paris during the seige, by Martial; pictures of views and buildings in various parts of France, by Rochebrune and Bunet-Debaines, and, finally, an interesting series of caricatures and portraits, given by Mr. Alexander Maitland, dealing with the "South Sea scheme." (See the article on the S. P. Avery collection in the *Library Journal* for March, 1904; also the *Handbook of the collection*, which was issued in 1901.)

## AUSTRALASIA.

Leland Stanford Junior University (Stanford University, Cal.) is the possessor of a notable collection of books and pamphlets relating to Australasia.

Cornell University (Ithaca, N. Y.) has recently been purchasing a good many works on Australia and has numerous series in Australian law.

## AUTOGRAPHS.

The Chamberlain collection in the Boston (Mass.) Public Library comprises more than 350 volumes. These are divided into two sections—American and European. The latter includes 4 volumes devoted to sovereigns, 30 to men of affairs, 11 to men of letters, 2 to philosophers, 4 to scientific men, and 10 to the period of the French Revolution, etc.

The Sumner bequest to the Harvard Library (Cambridge, Mass.) contains many interesting autographs, among which are those of Milton, Queen Elizabeth, Henry VIII, Charles V, Louis XIV, Henry of Navarre, Richelieu, Mazarin, Mirabeau, and Voltaire.

The Lenox library, of the New York Public Library, is of very great importance.

## BAPTISTS.

In the Bucknell Library, at Crozier Theological Seminary (Chester, Pa.), is a considerable collection of literature relating to the continental Anabaptists and the English Baptists. Some of this material is in manuscript.

The Rochester (N. Y.) Theological Seminary is well provided with works on Baptist history from the earliest Reformation period to the present time, and has a unique collection of the writings of European Anabaptists and Baptists from 1534.

At Colgate University (Hamilton, N. Y.) there is also a splendid collection of materials on Baptist history, largely in the form of original documents.

The American Baptist Historical Society, of Philadelphia, the New York Public Library, the Southern Baptist Theological Seminary, and the Princeton Theological Seminary have all large collections covering the European Baptists.

## CARTOGRAPHY.

The Harvard Library (Cambridge, Mass.) has a great number of loose maps—about 20,000 sheets—besides some 900 volumes of bound maps and atlases. Among the former should be mentioned the Ebeling and Warden collections. The Ebeling collection comprises 10,000 maps, charts, and views gathered by Professor Ebeling, of Hamburg, before the year 1817, and acquired by Harvard in the following year. The maps in the main belong to the seventeenth and eighteenth centuries. This collection has been added to from time to time with a view to completing “the cartographical publications of the United States Government and the ordinance and geological surveys of the principal European countries.” The collection of bound maps include such facsimile collections as those of Santarem, Nordenskjöld, etc., and the printed editions of the early geographers. Books serviceable in facilitating the use of these collections are provided, and a manuscript subject catalogue of the maps is supplied.

The Boston (Mass.) Public Library has a great many maps, atlases, and charts. These include a collection of maps of different regions of Africa, political, military, topographical, etc.; a number of trade and produce charts of Asia Minor; numerous atlases of various countries; local maps of England; maps illustrating British naval history; a special collection of about 100 maps of different districts of France, ecclesiastical and other, mostly made by Montaignon, and ranging from 1500 to 1800; and, finally, many maps relating to the Franco-German war. The library has a special card catalogue of its cartographical possessions.

In 1897 the library of the University of Michigan (Ann Arbor, Mich.) had 1,275 maps, a number that has since been considerably increased. The university has also a collection of works rich in cartography, which was bequeathed to it by W. W. Murphy, esq.

The Tank library of Dutch history, which is in the possession of the Wisconsin Historical Society (Madison, Wis.), contains a number of maps and plans of the seventeenth and eighteenth centuries. These and the other valuable carto-



graphical possessions of the society are indexed in a special card catalogue.

The University of California (Berkeley, Cal.) is the owner of a valuable set of 184 military maps of France and Belgium, formerly used by Joseph Bonaparte, King of Spain.

The New York Public Library has 300 atlases and 5,000 sheets. Compare its Bulletin, volume 8, 1904, pages 411 et seq.

Check List of Large Scale Maps Published by Foreign Governments (Great Britain excepted) in the Library of Congress (Washington, D. C.), 58 pages. 1904.

#### CHINA.

The collection of books on China in the Harvard Library (Cambridge, Mass.) numbers at present about 600 volumes. It is being built up mostly by the gifts of Prof. A. C. Coolidge and Mr. H. J. Coolidge. Early historical and geographical works are being added, as are also such Chinese literary works as have been translated into English, French, or German. There is but little material in Chinese.

Reference lists on China have been issued as follows: China, with Especial Reference to Missionary Work, New Haven (Conn.) Free Public Library Bulletin, January, February, March, 1904; a short Selected List of Books on China, Japan, and Russia, Otis Library (Norwich, Conn.) Bulletin, March, 1904; a list of 120 pages on China and the Far East, New York State Library Report (Albany, N. Y.), March, 1901.

Columbia University; Library of Congress; Essex Institute, of Salem, Mass.; the Foreign Missions Library, 156 Fifth avenue, New York, and the missionary and geographical libraries generally, in greater or less degree, are rich on this subject.

See also East and Far East.

#### COINS.

Many libraries report coin collections, and there are certainly many others unreported. Some of these collections are made exclusively of ancient or of American coins, and hence do not require notice here. There is not always suffi-

cient information to judge concerning many of the reported collections. The James collection, in the possession of the Buffalo (N. Y.) Historical Society, contains about 15,000 specimens, mostly American coins, tokens, etc., but also contains English tokens and medals and French church money. The Public Library of Omaha (Nebr.) has the Byron Reed collection, one of the largest in the United States. Yale's collection (New Haven, Conn.) is also extensive, being rich in ancient and modern, and domestic and foreign coins. It is, however, almost destitute of mediæval specimens. The collection of Harvard (Cambridge, Mass.), about 3,000 in number, contains modern coins of Asia, Africa, and Europe, 1,000 of them being European. In Johns Hopkins University is the Helbig collection. The Public Library of Menasha (Wis.) has a collection of coins valued at \$4,000, the gift of Henry Spencer Smith. The University of California (Berkeley, Cal.) has specimens from the different European and Asiatic countries, mostly modern, and also a set of Swiss coins. The collection of the Public Library and Reading Room of Plainfield (N. J.), while small, is diversified, and represents with modern pieces most of the European states, as well as Turkey. There are also Roman colonial coins (A. D. 40-313), Byzantine (A. D. 459-1081), and other mediæval specimens. The University of Vermont (Burlington, Vt.) has some coins of modern Europe and Asia, and the Western Reserve Historical Society (Cleveland, Ohio) has a few rare, curious, or modern coins of Europe and South America, besides a complete collection of casts of the Napoleonic medals. Other institutions possessing coin collections are the New York State Library (Albany, N. Y.), Brown University (Providence, R. I.), Wellesley (Mass.) College, Dartmouth College (Hanover, N. H.), the University of Michigan (Ann Arbor, Mich.), Drexel Institute Library (Philadelphia, Pa.), the Tennessee Historical Society (Nashville), the J. V. Fletcher Public Library (Westford, Mass.), Oberlin (Ohio) College, Massachusetts Historical Society, Buffalo Historical Society, Mount Holyoke College, St. Vincent's College (Beatty, Pa.), and Woodstock College (Maryland).

The coin collection of the late T. Harrison Garrett, with considerable additions by his sons, John W. and Robert, is deposited in the Princeton University Library, and contains, apart from the unique collection of American coins, a considerable number of European coins.

Many libraries have the British Museum series of coin electros in whole or in part—Harvard, Brooklyn Institute, etc.

#### CONGREGATIONALISM.

The "Rev. Henry M. Dexter collection of books and manuscripts on early Congregational history and polity" is in the library of Yale University (New Haven, Conn.). It contains 1,850 volumes, gathered at a cost of more than \$10,000. It comprises the early treatises on the subject, as well as the works that trace and illustrate the history of the Puritans and Separatists, both in England and Holland. The publications of John Robinson, William Brewster, Henry Ainsworth, William Ames, Henry Barrows, Robert Browne, Thomas Cartwright, John Greenwood, Henry Jacob, John Smyth, and other leaders are seen here in series remarkably full.

The Gunsaulus collection of books and pamphlets illustrating the rise of Congregationalism is in the Hammond Library of the Chicago (Ill.) Theological Seminary. These works were mostly published during the period of the English Revolution.

The Congregational Library (Congregational House, Beacon street, Boston, Mass.) comprises over 52,000 books, 51,000 pamphlets, and 46,000 numbers of periodicals, and is of prime importance on account of the wealth of its material relating to the early controversies in the English Church. Its resources have been strengthened by the recent acquisition of the Bishop Stubbs Library.

#### CORN LAWS.

Among the Tilden and Ford pamphlets on English financial history in the New York Public Library (40 Lafayette place, New York, N. Y.) is a group on the corn laws. The library has listed its material on this subject in its Bulletin for May, 1902.

COSTUME.

A list of works on the costumes of all nations is printed in the Bulletin of the Boston Public Library Vol. II, No. 33 (April, 1875), and Vol. IX, No. 4 (January, 1891).

A number of rare works on this subject will be found in the library of Yale University (New Haven, Conn.).

CRUSADES AND THE LATIN EAST.

In 1898 the Harvard Library (Cambridge, Mass.) acquired, through the generosity of Prof. A. C. Coolidge and his father, J. Randolph Coolidge, of Boston, the splendid library of Count Paul Riant, the foremost European scholar in the field of the Crusades. This library contained, at the time of its acquisition, 7,649 volumes and 1,162 pamphlets. Its various sections were as follows: Crusades, 476 numbers; wars against Turkey, 319 numbers; military and religious orders, 224 numbers; history (largely chronicles, sources, etc.), 1,003 numbers; geography of the Holy Land, 503 numbers; theology (including relics of Christ, worship of the Virgin, pilgrimages, relics of the saints, etc.), 526 numbers; ecclesiastical history, 391 numbers; literary history and bibliography, 1,016 numbers. Six hundred volumes of this collection have been combined with other works in the Harvard Library and now form a group of 931 volumes on the Crusades, the crusading knights, and the Latin kingdoms of Jerusalem, Constantinople, and Greece.

There is a good working collection for the study of the Crusades in the library of the University of Wisconsin (Madison, Wis.).

The Newberry Library (Chicago, Ill.) is said to be well equipped in the field of the Crusades.

DIPLOMACY.

The Bureau of Rolls and Library of the Department of State at Washington, D. C., has a collection on diplomatic history that covers all periods on which anything has been published.

Brown University (Providence, R. I.) has a choice collection on diplomacy and international law, which is being constantly enlarged.

The University of Wisconsin (Madison, Wis.) has recently been collecting in the field of modern diplomatic history, and now possesses the national collections of treaties complete and a considerable amount of accompanying diplomatic material.

There is a collection of historical materials in the New Orleans (La.) Public Library on the diplomatic relations between Spain, France, and the United States at the time of the Louisiana Purchase.

The University of Cincinnati has a collection in modern European diplomatic history.

See also under International law, Political and social sciences.

#### DREYFUS AFFAIR.

A considerable number of books and pamphlets on the Dreyfus affair has been accumulated by the Harvard Library (Cambridge, Mass.). There are about 200 titles in the collection.

Cornell University (Ithaca, N. Y.) also has a very full collection of Dreyfus literature.

The Monthly Bulletin of the Boston (Mass.) Public Library for July, 1899, contains a list of books and magazine articles on this subject. The library has also a full collection of photographs of personages in the case.

#### DUTCH EAST AND WEST INDIA COMPANIES.

There is a collection of manuscripts relating to this subject in the New York State Library (Albany, N. Y.) known as the "Usselinx manuscripts" and covering the years 1606 to 1646. (See the New York State Library Bulletin, History No. 3, p. 226.) A list of the unpublished writings of Usselinx, who was one of the chief founders of the companies, will be found in the Annual Report of the American Historical Association, 1888, Vol. II, pp. 213-220. Most of them are in the New York State Library collection.

## EAST AND FAR EAST.

The division of "Oriental literature" in the Boston (Mass.) Public Library numbered 16,000 volumes in 1900. It must be remembered that this includes all works in the library on oriental history, geography, and biography.

The library of the American Oriental Society is deposited in the library building of Yale University (New Haven, Conn.). It consists of about 6,000 books and pamphlets and includes the Bradley collection on India and China. The Yale Library also has a considerable amount of literature bearing on the modern diplomatic relations of the Far East and a fine collection of 291 photographs from Korea, China, Indo-China, Burma, and India.

The war in the Far East has called a large number of reference lists from libraries having material for the study of this subject. Among the most important of these lists may be mentioned the following: The San Francisco (Cal.) Public Library Monthly Bulletin for October, 1903; the Denver (Colo.) Public Library Bulletin for March, 1904; the Brooklyn (N. Y.) Public Library for April, 1904, and the St. Louis (Mo.) Public Library Monthly Bulletin for February, 1904; New York State Library Report (Albany, N. Y.) for March, 1901 (a list covering 120 pages on "China and the Far East"); Select List of Books (with references to periodicals) relating to the Far East, by A. P. C. Griffin, issued by the Library of Congress (Washington, D. C.), 67 pp., 1904.

The Coolidge collection in Harvard University Library is especially rich in this field.

The libraries of Cornell, Pennsylvania, and Leland Stanford Junior universities are strong on literature of the Far East.

See also Arabs, Australasia, China, Jews.

## EASTERN QUESTION.

In the Monthly Bulletins of the Boston (Mass.) Public Library for July, 1877, and July, 1878, are lists of works on the Eastern question, Russia, Turkey, and the war then in progress. A similar list for the subsequent period to

1897 is printed in the same publication for May, 1897, accompanied by selected titles illustrating the history and condition of Turkey, Armenia, Greece, and Crete since 1880.

The Harvard collection described under the heading "Ottoman Empire" is especially strong in books and pamphlets on the Eastern question in all its phases.

#### ECONOMICS, FINANCE, ETC.

The acquisition of the Gerritsen collection of works in this field by the John Crerar Library (Chicago, Ill.) was announced in July, 1904. It was obtained through an English bookseller, and comprises more than 18,000 volumes and 13,000 pamphlets. It is strong in works on general political economy, banking, finance, the labor movement, and socialism, and includes a remarkable special collection on the woman question of 2,700 volumes and 3,000 pamphlets. In 1902 the same library obtained the notable collection of Prof. Richard T. Ely, of the University of Wisconsin, consisting of about 4,000 volumes and as many pamphlets, and covering the whole of political economy, but strong chiefly in works dealing with the American labor and social movements.

An excellent collection of works on finance and political economy is the Colwell Library of 7,000 volumes at the University of Pennsylvania (Philadelphia, Pa.), strong in treatises published before 1860 in the English, French, and Italian languages. The Carey Library of the University of Pennsylvania contains also European Government reports, statistics, and 3,000 English pamphlets running from the close of the seventeenth century to the present time.

The collections for economic history in the Library of Congress (Washington, D. C.) are of great importance, and are supplemented by the collections in the libraries of the Department of Agriculture, Patent Office, Bureau of Statistics, and Labor Bureau.

The New York Public Library (40 Lafayette place, New York City) contains, among other noteworthy features, the Tilden and Ford pamphlets relating to financial and banking questions in English history, the corn laws, etc. The library displays a part of its resources in economics, finance, etc., in lists of publications printed in its Bulletin, as

follows: "Periodicals Relating to Economics, Finance, Banking, Sociology, Socialism, etc.," Bulletin, Vol. IV, pp. 128-142; "Periodicals Relating to Statistics," Bulletin, Vol. IV, pp. 93-101; "List of Foreign Government Documents Relating to Finance," Bulletin, Vol. V, pp. 457-486; "List of Works on Prices," Bulletin, Vol. VI, pp. 115-159; "List of Works on Corn Laws," Bulletin, Vol. VI, pp. 191-200.

The great collections of sources at Columbia University (New York City) include the documents and sources for the economic and social phases of history.

The library of the University of Wisconsin (Madison, Wis.) has a large mass of material in economics and commerce in the form of periodicals, etc., which is useful for history. It also has an unusually complete library of secondary works in this department.

The economic library of the late Senator John Sherman, formerly Secretary of the Treasury, has been given to the Ohio State Library (Columbus, Ohio). It contains 5,000 volumes.

A special collection in economics has been established in the library of Princeton (N. J.) University by the class of 1883, and another by the class of 1888.

The Kansas State Historical Society (Topeka, Kans.) has nearly 5,000 volumes and pamphlets on politics and finance.

The Harvard University Library is especially strong on economic works of the seventeenth and eighteenth centuries.

The Western Reserve University has special collections in economics and finance.

The City Library Association, of Springfield, Mass., has the David A. Wells economic library.

The Hopkins Railway Library of Leland Stanford Junior University contains 9,000 books and pamphlets, and is especially rich in serial publications. (Compare Teggert, Frederick J., Catalogue of the Hopkins Railway Library, pp. ix, 231.)

The library of the Massachusetts Bureau of Statistics of Labor, in Boston, contains more than 15,000 volumes.

The Free Public Library, Worcester, Mass., has the Hoar collection of 119 pamphlets relating to British labor in 1871.

The James Platt Temperance Library (3 West Eighteenth



street, New York) had, in 1902, 1,303 volumes and 10,000 pamphlets and many thousand newspapers devoted entirely to temperance.

The New Orleans (La.) Public Library has a special collection on the rise and growth of Law's Mississippi scheme.

#### EDUCATION.

The library of the Bureau of Education at Washington contains perhaps 20,000 volumes on European education.

A wealth of rare material on the early history of universities is available in the Zarncke library of 13,000 volumes, which now forms a part of the library of Cornell University (Ithaca, N. Y.).

The Columbia University Library has made a distinct specialty of educational history for a long time and has printed a special catalogue (Library Bulletin, No. 2, New York, 1901).

#### ENGLISH HISTORY.

The English history collection in the library of the State Historical Society of Wisconsin (Madison) numbers about 15,000 volumes, and is surpassed by but few other American libraries in character and extent. This is supplemented by the large collections of the library of the University of Wisconsin (in the same building) and the State Law Library (in the capitol, in Madison). A descriptive list of the works on English history in these libraries has been prepared by Dr. A. C. Tilton, and printed as Bulletin of Information, No. 21 (June, 1904), by the society. Of the 32 pages of this Bulletin, pp. 5-13 are given to the various British Government publications. In the matter of pamphlets the society has several notable groups, viz, (1) of English political pamphlets, bound in 110 volumes, containing a few from the early seventeenth century, but mostly belonging to the eighteenth and first half of the nineteenth centuries; (2) the Lord Strangford collection of pamphlets and tracts, 68 volumes, dealing with political, social, and literary subjects, and belonging to the first half of the nineteenth century; (3) English religious pamphlets and English sermons, 165 volumes, which begin in 1605, but deal

chiefly with the eighteenth and nineteenth centuries, and (4) a large number of unbound pamphlets.

The Boston Public Library has an admirable collection of British public documents. These are supplemented by the leading chronicles and histories of England in the Barton collection (see *Catalogue of the Barton Collection*, Part II, p. iii) and by numerous monographs and political institutions, geography, travels, and jurisprudence. The *Monthly Bulletin* of the library for October, 1894, contains a list of tracts (over 200 works) relating to the period covered by the reign of Charles I, the civil war, and the Commonwealth (1625-1660). These were the gift of William P. Upham. The *Bulletin* also gives the titles of related works to be found in the library, besides the titles of a few tracts—also given by Mr. Upham—dealing with the period from 1663 to 1698. The contents of an interesting collection on English state trials from 1680 to 1685 in the library *Bulletins*, first series, Volume VII, 72:54. It should be added that the library has an important collection of British county and town histories, parish registers, wills, etc., and that it has a manuscript catalogue of works and parts of works illustrating the topography and local history of Great Britain and Ireland.

In 1901, the library of the constitutional historian of England, William Stubbs, late Bishop of Oxford, was secured by the Congregational Library (Congregational House, Beacon street, Boston, Mass.). It contains 6,350 books, of which a large number relate to English history. The collection is rich in great folios of value in this field, as well as the statutes of the realm, the rolls of Parliament, and other original sources. It also includes English antiquarian publications in great variety and abundance, and many works relating to Oxford University.

See Report of the Congregational Library, 1902, pp. 11-14.

In the field of English history (12,200 volumes) the Harvard Library (Cambridge, Mass.) has several notable collections, as follows:

(1) A collection of British local history and topography, numbering 3,465 volumes, which has been purchased for the most part under the direction of Prof. Charles Gross, an authority on these subjects. The part of the collection relating

to British municipal history has been enumerated by Professor Gross in No. 43 of the *Bibliographical Contributions* of the library.

(2) In the period of the Puritan revolution there is Thomas Carlyle's collection of books on Cromwell (catalogued in *Bibliographical Contributions*, No. 26) and a collection of books by and on Milton, numbering 340 volumes.

(3) A group of 362 pamphlets, mostly in Dutch, dealing with English affairs in 1689, the accession of William III, and the naval wars between England and the Netherlands.

(4) A collection of 188 volumes and pamphlets relating to the political affairs of England between 1760 and 1800, and gathered during the years named by George Pitt, Baron Rivers.

(5) Finally, complete sets of the rolls and chronicle series, together with other publications of the record office, and the set of British Parliamentary papers, which is practically complete since 1830 (including some earlier papers and journals of the Lords and Commons), numbers 6,000 volumes. (See *Harvard Bibliographical Contributions*, No. 55, p. 12.)

The library of Yale University is especially strong in English mediæval history. In the modern period it has a great quantity of material in the form of the original publications of the Puritans and Separatists, as in works tracing their rise and history both in England and Holland (this is a part of the library on early Congregationalism bequeathed by Rev. Henry M. Dexter), files of some of the leading London newspapers during the closing decades of the eighteenth and the early decades of the nineteenth centuries.

The collection on English history in the library of the University of Chicago (Chicago, Ill.), already extensive in 1901, was increased by large purchases made in that year. The library is best equipped for the Anglo-Saxon, Norman, Angevin, and Stuart periods. It also has a rather remarkable collection of tracts dealing with the civil war in England.

There is a special collection of several thousand pamphlets of English eighteenth-century politics in the library of Brown University (Providence, R. I.). This library also possesses some valuable periodical literature covering the latter half of the eighteenth century in England.

The library of the University of Pennsylvania (Philadelphia) contains a large collection of Parliamentary papers, "blue books," etc., numbering more than 2,000 volumes.

Trinity College (Hartford, Conn.) has what is reported to be one of the best collections of English state papers in the country, through the repeated gifts of Hon. C. J. Hoadley.

The strong collections of the New York Public Library include, among other things, the Hepworth-Dixon civil war tracts, an important collection of contemporary material for English history from 1642 to 1650. In the manuscript collections of the New York Public Library there are also a considerable number of pieces relating to European countries. (See Bulletin of the New York Public Library, vol. 5, 1901, pp. 328-334.)

The important collections of the Columbia University Library in this general field include a strong special collection on Mary Queen of Scots.

The library of Leland Stanford Junior University contains extensive collections of sources, including 3,400 volumes of sessional papers, etc.

Boston University Library is strong in old English and Scotch texts.

The library of the University of Michigan has more than 4,000 volumes of English history.

The Robert Stockton Pyne library of the historical seminary in the Princeton University Library and collections formed in connection with this include a large number of the more substantial sources of European history in general, and more especially works on English history, both primary and secondary.

The Peabody Institute Library at Baltimore is strong on European history, especially the county histories of Great Britain and Great Britain in general.

The library of the Historical Society of Pennsylvania contains 2,500 volumes of English local history and much other material.

The library of Brown University contains the Richards collection of pamphlets on English and Welsh history and church history.

The Sutro Library, of San Francisco, Cal., contains more than 25,000 pamphlets of the period of the English civil war and commonwealth, and as many more on the period extending to the time of George III.

The Union Theological Seminary has strong collections on the Westminster divines, the Puritans, the Deistic, Dissenting, and Unitarian controversies, formed by Professors Gillet and Briggs, and on the McAlpin foundation.

The library of Princeton Theological Seminary has one of the best, if not the best, collection of English Puritan writers, and with its collection of nearly 7,000 volumes and pamphlets on baptism and kindred works affords a very strong collection for English history.

The library of Drew Theological Seminary, Madison, N. J., has a collection of more than 2,000 volumes on English church history.

The Public Library of Hartford (Conn.) has an excellent equipment in memoirs, letters, and autobiographies dealing with the House of Hanover and the period covered by it. Descriptions of this material are to be found in the bulletins of the library for 1900-1901.

The Thayer Library of 4,000 volumes relates to the Stuart period of English history.

The Otis Library, Norwich, Conn., has a special collection on Norwich, England, and more or less extensive libraries of this sort referring to the mother town are found in the libraries of many New England towns.

#### FREDERICK THE GREAT.

Thomas Carlyle's collection on Frederick the Great and Cromwell is in the Harvard Library (Cambridge, Mass.), and is catalogued in Bibliographical Contributions, No. 26 (January, 1883). Later additions are noted in University Bulletin, No. 52.

#### FRANCE.

The Boston (Mass.) Public Library collection contains, among other things, important public documents, such as the publications of the ministries of finance, foreign affairs, justice, marine, colonies, etc., besides state papers dealing with

current international questions. The Barton collection in this library contains the standard collections of memoirs, besides many separate works, and a large number of pamphlets published during the revolution of 1789. (See Annual Report of Trustees, 1900-1901, App. IV; Catalogue of the Barton Collection, Pt. II, p. iii.)

The collection on French history and geography, both general and local, in the Harvard Library (Cambridge, Mass.) now numbers over 9,300 volumes. This includes a fairly representative selection of memoirs. The history section was materially increased by books received in the Riant Library.

Columbia University (New York City) has practically all the great collections of original sources and the publications of the learned societies of France.

The Peabody Institute (Baltimore, Md.) has over 2,000 volumes on French history, including *Recuils*, *Archivs*, etc.

On French society in the sixteenth and seventeenth centuries Cornell University (Ithaca, N. Y.) has Prof. T. F. Crane's collection of rare and valuable works. It numbers 228 volumes, some of which relate, however, to Italian life. Cornell also has considerable collections on the France of Louis XV and on the eighteenth century philosophers. (On the latter, see the Catalogue of the President White Library, II, *The French Revolution*, Preface, p. ii.)

The University of Pennsylvania (Philadelphia, Pa.) has a set of legislative documents of France from the period of the revolution of 1789 to the present, numbering 900 volumes or more; so also Boston Public Library, the Library of Congress, and others.

Harvard University is rich in the history of Paris and has special funds for the building up of this.

#### THE FRENCH REVOLUTION AND NAPOLEON.

A special catalogue of over 300 pages has been issued on the great collection dealing with the French Revolution at Cornell University (Ithaca, N. Y.). This collection covers the period from accession of Louis XVI, in 1774, to the overthrow of the Directory, in 1799, including the political history of France and her colonies. It is rich in the greater

documentary works, pictorial works, pamphlets, and newspapers of the Revolutionary time, as also in materials on the struggle in the colony of St. Dominique. There are numerous individual rarities. The two things which President White especially sought in his choice of books, the Catalogue states, were on the one hand the contemporaneous publications that threw most light on the spirit of the Revolution and on the other the most important critical works. Since 1894 Doctor White has added a large collection of contemporaneous pamphlets. A considerable number of books relating to the Revolution in Normandy, Brittany, Anjou, and Poitou, and gathered in those Provinces, has recently been acquired, thereby enriching the collection on the troubles in the Vendée. It should be added that the Cornell collection of works on Napoleon and the Waterloo campaign has been greatly increased during recent years.

The Boston (Mass.) Public Library has a large number of books dealing with the period of the Revolution, besides memoirs, correspondence, and other contemporaneous materials relating to Napoleon I. The Barton collection in this library contains a large number of pamphlets published during the Revolution. (Catalogue of the Barton Collection, Pt. II, p. iii.) A list of works on Waterloo and the campaign of 1815, belonging to the library, is published in the Bulletins of the library, F. S., Vol. II, 35: 424.)

The section on the French Revolutionary period in the library of Columbia University (New York City), which was already extensive, has been greatly increased of late years. In 1898 President Seth Low gave \$4,500, one-half of which was to be expended for this purpose.

A good collection relating to the revolution of 1789 will be found in the New York Public Library (40 Lafayette place, New York City). A list of a portion of the revolutionary pamphlets belonging to this library is printed in its Bulletin, Vol. II, 1898, pp. 256-264.

There is a great quantity of material on the Revolutionary period also in Leopold von Ranke's library of 18,000 volumes, 3,000 pamphlets, and 1,500 manuscripts, at Syracuse (N. Y.) University.

A recent gift to the University of Chicago (Ill.) had added largely to its collection of Revolutionary sources, etc.

The Gen. Sylvanus Thayer collection of military history at Dartmouth College (Hanover, N. H.) is rich in materials on the Napoleonic era.

The Wisconsin Historical Society Library and the University of Wisconsin (Madison, Wis.) have conjointly files of some of the chief Revolutionary journals and some of the more noted collections of the time. These are supplemented by a considerable amount of material in the nature of memoirs, correspondence, biographies, etc. The society's library is rich in Napoleana.

The Hatch Library, of Western Reserve University (Cleveland, Ohio), is fairly strong on the period.

The same may be said of the library of the University of North Carolina (Chapelhill, N. C.) and that of Bowdoin College (Brunswick, Me.).

On the Napoleonic phase of the Revolution there are at least two excellent collections to be added to the above list. One of these is a great body of books and pamphlets presented to the library of the Smithsonian Institution (Washington, D. C.) in 1901. In honor of the donor this has been designated the "Watts de Peyster collection, Napoleon Buonaparte." As received it numbered about 2,000 volumes, but it is being constantly increased by General de Peyster.

The other collection deserving to be mentioned in this connection is the Koch collection, given to the Case Library (Cleveland, Ohio) by the late Mrs. Laura Koch. It comprises about 1,500 volumes, and is rich in Napoleonic literature, although apparently not confined to this department.

The Princeton University Library, the Cincinnati University Library, the Pennsylvania Historical Society Library, the Peabody Institute Library at Baltimore, the Newberry Library of Chicago, and especially the library of the Department of State at Washington have important collections on this period.

The John C. Ropes collection on Napoleon is in the library of the Military Historical Society, in Boston.

#### FRENCH REVOLUTION OF 1848.

About 1896 Columbia University (New York City) received a gift of 569 volumes from the library of a gentleman who had been a member of the *Assemblée Constituante*



and the Assemblée Legislative of France from 1848 to 1851. It contains a considerable number of pamphlets and contemporaneous publications issued in France during the revolution of 1848. (President's Annual Report, 1896, pp. 31, 32.)

Another collection relating to the French revolution of 1848 belongs to the New York Public Library (40 Lafayette place, New York City).

#### FRIENDS.

One of the best and fullest collections of Friends' history and literature in the United States is in the library of the Friends' Historical Society, located at Swarthmore (Pa.) College.

Another excellent collection is in the possession of the Historical Society of Pennsylvania (1300 Locust street, Philadelphia, Pa.).

The Friends' Library (142 North Sixteenth street, Philadelphia, Pa.) has perhaps the largest collection in the United States on the origin and history of the religious society of Friends in England, 1652-1750, including the Roberts Library.

An extensive collection on this subject is in the Boston Public Library.

The Monthly Meeting of Friends, of New York, has about 500 volumes.

The library of Drew Theological Seminary has the Sands collection of Quakeriana.

The Free Public Library, New Bedford, Mass., has a special collection of Quakeriana.

The Haverford College Library (Haverford, Pa.) has a very considerable collection.

#### GENEALOGY.

The collections in genealogy very generally include much on English families and English local history. Systematic returns on this subject have not been received for this report, but the collection of the New England Historical and Genealogical Society, the very noteworthy collection of the Boston Public Library, that of the Wisconsin Historical Society Library, which ranks among the very best, and, in general,

the various genealogical collections may be mentioned—the New York Public Library, the Newberry Library in Chicago, the New York Genealogical and Biographical Society, the Long Island Historical Society, the Albany State Library, the State Library of Pennsylvania, Pennsylvania Historical Society, etc.

#### GEOGRAPHICAL DISCOVERY.

The John Carter Brown Library, of Brown University (Providence, R. I.), is rich in books on geographical discovery. On its shelves are to be found the original editions of the writings of the great discoverers and of the early circumnavigators of the globe.

The Boston (Mass.) Public Library has collections on discoveries, voyages, etc., besides a collection of geographical journals and transactions of geographical societies. It has a special card index to articles published in certain scientific journals, transactions of learned societies, etc., beginning with the year 1898, and it has bibliographies for aid in searching out geographical subjects. (Bulletin, February, 1899, pp. 59, 60.) Its resources on the discoveries leading to American colonization include extensive purchases of original editions from the Aspinwall-Barlow collection of Americana.

There is valuable material in the New York Public Library (New York City) for a geographical history of mediæval Europe, and the equipment of the library on the succeeding age of discovery is extensive.

Excellent collections on geography and topography are on the shelves of the Boston (Mass.) Public Library, which also has a collection of geographical journals and transactions of geographical societies. In the Theodore Parker and George Ticknor collections in this library the subject of geography is well represented.

A considerable amount of geographical material, with maps and plans of the seventeenth and eighteenth centuries, is also on the shelves of the Tank library of Dutch history in the library of the Wisconsin Historical Society (Madison, Wis.).

The American Geographical Society Library, of New York, contains more than 20,000 volumes, and that of Prof. William Libbey, of Princeton, which may be used in connection with Princeton University Library, probably 10,000 volumes. (See also Cartography.)

#### GERMANY.

The library of the German historian, Leopold von Ranke, is now the property of the library of Syracuse (N. Y.) University. It consists of 18,000 volumes, 3,000 pamphlets, and 1,500 manuscripts. It is largely German history, although it contains material on other countries.

The great collections of original sources issued by the German Governments and learned societies of Germany are to be found in the Columbia University Library (New York City). These include not only the documents and sources for political history, but also for other phases of historical development. In 1898 the library set about completing its collections relating to the German Reformation. Using Dahlmann-Waitz, *Quellenkunde*, as a guide, the gaps have been systematically filled in for the period 1450-1625, and many collected works and historical publications covering a wider field have also been added. (President's Annual Report, 1898, p. 276.)

The library of Prof. Konrad von Maurer, of Munich, has lately come to Harvard University (Cambridge, Mass.) through the gift of Prof. A. C. Coolidge. This collection comprises 10,000 volumes, of which 2,000 or more relate to German history and are set apart as the nucleus of a special collection to be designated as the "Hohenzollern collection of works on German history and civilization." This historical collection will be increased by Professor Coolidge to 10,000 volumes. As it now stands, it is strongest in the history of Bavaria and the Rheinland. (The Harvard Bulletin, November 25, 1903.) At the time of the acquisition of the Von Maurer library Harvard already had a collection of considerably over 1,000 books on German history, besides Thomas Carlyle's collection on Frederick the Great. (For the latter, see the special catalogue printed in the Harvard University Bulletin for January, 1883.)

In the Rau collection at the University of Michigan (Ann Arbor, Mich.) is a series of volumes of the original sources for the history of the house of Hapsburg.

The collections of the Wisconsin Academy of Arts and Sciences and the University of Wisconsin (Madison, Wis.) include complete files of the publications of important German local historical societies.

The Ohio State University (Columbus, Ohio) has a special collection in German history, named the "Siebert library of German history," after Messrs. John and Louis Siebert, who are giving sums annually for its enlargement.

The Hildebrand Library in the Leland Stanford Junior University, while largely philological, contains the local and national chronicles, etc.

The Weinhold library of the University of California Library contains 10,000 volumes that are chiefly literary.

The Western Reserve University (Adelbert College) has a special collection on the history of Germany.

The Boston Public Library is strong on German history.

#### GYPSIES.

On this subject the Harvard Library (Cambridge, Mass.) has over 100 volumes relating to the history, language, literature, ballads, etc., of gypsies. These are scattered through various classifications on the shelves. About 25 of them were recently purchased from the library of Rudolph von Sowa, the German authority in this field.

The Boston Athenæum Library has a considerable collection on this subject.

#### THE HUGUENOTS.

Bowdoin College (Brunswick, Me.) has a fund of \$1,000 for the maintenance and increase of a collection of Huguenot literature. This is not to be confined to the history of the Huguenots in France, but is to include especially works relating to the Huguenot emigration to America and to the parts played by their descendants in other countries. The special collection thus begun has been increased by a gift of additional books dealing with the French Protestants.

A large collection of works on the history of French Protestantism is a feature of the Rochester (N. Y.) Theo-

logical Seminary. It covers the period from 1685 to 1768, and includes the writings of many French reformers.

There are many works on the Huguenots in the Boston (Mass.) Public Library.

The Huguenot Society of America, located in New York, has about 1,000 volumes.

#### INTERNATIONAL LAW AND DIPLOMACY.

The Congressional Library (Washington, D. C.) on the general subject, the Boston (Mass.) Athenæum in the line of State papers, domestic and foreign, and the library of the Naval War College (Newport, R. I.) in maritime international law, and the Brown University Library in general treatises, are probably the strongest libraries in the United States in their respective fields. By special arrangement these institutions are filling in different departments in this field.

The Bureau of Rolls and Library of the Department of State (Washington, D. C.) is also rich in international law and diplomatic history, as is also the President White Library at Cornell University (Ithaca, N. Y.).

Brown University (Providence, R. I.) has a choice collection of over 1,000 volumes in international law which is being constantly enlarged. It is known as the Wheaton collection.

The political science library of Robert von Mohl, acquired by Yale University (New Haven, Conn.) in 1871, contains 300 volumes on this subject.

The library of Johns Hopkins University has the Bluntschli library of 2,500 volumes and 3,000 pamphlets, the Creswell collection, and other works especially relating to international arbitration.

#### IRELAND.

Valuable materials for the ancient and early history of Ireland are among the resources of the Newberry Library (Chicago, Ill.).

A collection of about 350 volumes of pamphlets relating chiefly to Ireland and of a miscellaneous character is in the Mercantile Library (Philadelphia, Pa.). Two hundred

and forty-two volumes contain materials ranging in date from 1661 to 1859, and are bound in chronological order. The contents of the other 100 volumes are of later date.

The Lemmonier Library, of the University of Notre Dame (Notre Dame, Ind.), contains several thousand volumes in Irish history.

The Boston Public Library Bulletin, No. 61, published in 1882, contained the material on the land question in the library at that time.

A gift of 356 volumes and 90 pamphlets, mainly on Irish history, came to the University of Michigan (Ann Arbor, Mich.) in 1888 from George C. Mahon.

The Michigan State Library (Lansing, Mich.) owns a very complete set of Irish laws, and the library of the court of appeals (Syracuse, N. Y.), as also the William Curtis Noyes Law Library, of Hamilton College (Clinton, N. Y.), contain full sets of the Irish Reports in Law and Equity, which are also in possession of the Harvard Law School (Cambridge, Mass.) and the Bar Association of New York.

Considerable source material relating to the mediaeval history of Ireland is contained in the library of Bishop William Stubbs, which now forms a part of the Congregational Library (Congregational House, Beacon street, Boston, Mass.).

#### ITALY.

In Italian history the Harvard Library (Cambridge, Mass.) has 3,300 volumes. "Included in this number are many of the long series published either by the Government or by historical societies. \* \* \* Recent gifts from Hon. George v. L. Meyer, United States ambassador at Rome, and Mr. H. N. Gay \* \* \* will provide for an interesting and valuable collection on the political history of Italy from 1815 to 1870. The collection of books relating to Sicily was more than doubled by recent purchases and now includes over 200 volumes." (Bibliographical Contributions, No. 55, of Harvard University.)

The library of Columbia University (New York City) contains the great collections on Italy and the publications of most of the learned societies of that country.

There is much of value on Italian history in Leopold

von Ranke's library, which forms a part of the library of Syracuse (N. Y.) University.

The gift of 228 rare volumes, received by the Cornell Library (Ithaca, N. Y.) from Prof. T. F. Crane, is in part devoted to Italian society in the sixteenth and seventeenth centuries.

A costly collection of works on Venice, valuable for one studying the Renaissance, belongs to the Mark Skinner Library (Manchester, Vt.).

Harvard University has special collections with special funds on Venice and Florence. The Boston Public Library has the Adams library, rich on Italian republics and cities.

The great Dante collections, such as the Fiske Library, at Cornell University, the Macaulay library, in the University of Pennsylvania Library, and the Harvard collections are, more than most literary history, of direct value.

#### THE JANSENISTS.

In 1898 the library of Harvard University (Cambridge, Mass.) acquired a collection of 100 volumes relating to the Jansenists of Utrecht.

The New York Public Library has an important collection of books on this subject.

#### THE JESUITS.

Cornell University (Ithaca, N. Y.) has a collection on the Jesuits of sufficient importance to warrant a special catalogue. The College Library, Woodstock, Md., has more than 1,000 volumes on the Jesuits.

#### THE JEWS.

Nearly all the great collections of Orientalia and Semitica contain more or less material on the history of the Jews in Europe. Such collections are the Cohen, Dillmann, and Strauss libraries, of the Johns Hopkins University; the de Lagarde Semitic Library, of New York University; the special collection of the Sutro Library, of San Francisco; University of California, University of Pennsylvania, Harvard, Yale, the University of Chicago, some of the larger

Protestant theological seminaries, such as Union, Princeton, Andover, Drew, Presbyterian and Congregational seminaries, of Chicago, and especially the Hartford Seminary. More especially, of course, the Jewish theological seminaries and historical societies, the Maimonides Library, etc., are to be counted. The New York Public Library has published lists of its Jewish, anti-Semitic, and Jewish Christian periodicals, and a joint list of the periodicals in its own library and those of Union and the General Theological Seminary. (Vol. 6, 1902, pp. 258-264; vol. 7, 1903, p. 30; vol. 9, 1905, pp. 9-31, 50-72.)

See also East and Far East.

#### MATRIMONIAL INSTITUTIONS.

A collection of 1,700 volumes on this subject has recently been received by the University of Chicago (Ill.) Library from Prof. George Elliott Howard. The collection is believed to be the largest extant dealing with marriage, divorce, and the family, and was gathered by Professor Howard during the preparation of his important work on matrimonial institutions.

#### MEDIAEVAL HISTORY.

The Zarncke library, presented to Cornell University (Ithaca, N. Y.) some years ago by William H. Sage, contains, among other things, a wealth of rare and valuable material on mediæval history. It numbers 13,000 volumes. Many important works and sets have since been added in this department.

In the sources of mediæval European history the Harvard Library (Cambridge, Mass.) "has most of the large or important collections relating to countries as a whole, and many of the more useful and extensive documentary works relating to single cities and monasteries. This subject was strengthened by a gift of several hundred volumes relating to early German history and law from Dr. Denman W. Ross, of Cambridge, and by the bequest of Prof. E. W. Gurney's private library; and it has been further increased, especially for France and Italy, by the acquisition of the Riant library and by the recent purchase of a number of French cartularies." (Bibliographical Contributions, No. 55, Library of Harvard University, 1903.)



The Yale Library (New Haven, Conn.) is especially strong in mediæval institutional and church history and in mediæval English history, while it is very well equipped in general mediæval history.

The mediæval period of English and Irish history is remarkably well represented in the private library of Bishop William Stubbs, which was purchased a few years ago by the Congregational Library (14 Beacon street, Boston, Mass.). This collection of about 4,500 volumes is also rich in mediæval church material.

An unexplored storehouse of material for the student of mediæval history exists in the Sutro Library (Washington and Montgomery streets, San Francisco, Cal.).

The College Library, at Woodstock, Md., the Brown University Library, the library of the General Theological Seminary in New York, and the theological seminary libraries in general are strong in the ecclesiastical history of the middle ages.

The library of the University of Chicago (Ill.) has an extensive collection on early mediæval history, from the fifth to the ninth century, and on mediæval English history.

See also Architecture and the allied arts, Crusades and the Latin East, Geographical discovery, Ireland.

#### METHODISTS.

A large and important collection of original sources relating to the rise of the Wesleyan movement in England is the Deeming-Jackson collection at the Garrett Biblical Institute (Evanston, Ill.). It comprises the editions of the writings of the leaders of the movement and numerous pamphlets and books written in opposition to it.

The Drew Theological Seminary (Madison, N. Y.) has an excellent library in the field of Methodism, as has also the Methodist Library in New York City (150 Fifth avenue), each numbering over 10,000 volumes.

The New England Methodist Historical Society is reported to have a fine library.

The Wesleyan University Library, of Middletown, Conn., has a considerable collection on the early history of the Wesleyan denomination in England.

The St. Louis Public Library contains the McNally collection, which is very full on the history of the Methodist Episcopal Church South.

#### MILITARY HISTORY.

The Gen. Sylvanus Thayer collection of military history at Dartmouth College (Hanover, N. H.) is said to be especially rich in materials for the eighteenth century and the Napoleonic period.

The Sutro Library, of San Francisco, has 1,100 volumes, collected by Colonel Wilder.

The libraries of the War Department at Washington, the West Point Academy, the Military Historical Society of Massachusetts, at Boston, and the Allen library of the University of Pennsylvania, all have collections of special excellence.

#### MORAVIAN CHURCH.

The Malin Library, "containing probably the largest collection of Moravian books now (1892) in existence, together with paintings, etc.," forms a part of "The Bethlehem Archives," and in connection with the library of the Moravian Theological Seminary, at Bethlehem, Pa., forms the best American source for study of Moravian history.

#### NAVAL HISTORY.

The Proudfit collection of naval history of all countries is in the custody of the New York Public Library (40 Lafayette place, New York City). The Bulletin of the library for July, 1904, contains a "selected list of works relating to naval history, naval administration, etc."

The manuscript material of the late Paul Carles, of Paris, for a "History of the Military Marine," has recently come into the possession of the Newberry Library (Chicago, Ill.). The collection consists of 22 portfolios of drawings, maps, and plans, and 14 portfolios of text; a total of 4,100 pieces.

The United States Naval Academy, at Annapolis, has fine collections on naval history and biography, including that of European nations and more especially that of Great Britain and France.

The Library of Congress, Washington, is very rich in naval history.

## THE NETHERLANDS.

The Tank Library of early Dutch books was presented to the Wisconsin Historical Society (Madison, Wis.) in 1868. It contains 4,812 volumes and 374 pamphlets, and was accumulated by the Rev. R. J. van der Meulen, of Amsterdam, who was ordained in 1793. It deals with theology, Dutch history, travel, etc. Its materials afford an opportunity for the study of Dutch protestantism. "For more special studies it contains the greater part of the legislative and executive enactments of the United Provinces and of the Provinces of Holland, Zealand, West Friesland, and Utrecht down to the end of the old Republic." It also contains "the more important contemporary and closely following histories of the first century of the Republic, accompanied by very important sections of the sources; and later eighteenth-century files of the more important *Nederlandisch* and *Lower Rhenish* periodicals." The collection also contains incomplete files of the publications of various learned Dutch societies. (See Wisconsin Historical Collections, Vol. V, p. 162; Bulletin of Information No. 21 of the Wisconsin State Historical Society, p. 20, and the Catalogue of the library.)

The Boston (Mass.) Athenæum has a carefully selected collection, which numbered 1,294 volumes in 1900, illustrating the history of the Netherlands and Dutch colonization. It includes many long and rare sets, besides the writings of the leading Dutch historians of the nineteenth century. The Athenæum also has much in the way of local Dutch history, together with many works classified under the following heads: "Belgium," "Holland," "The Batavian Republic," "The United Provinces," "The Spanish wars," "The rise of the Dutch Republic," and "The Netherlands."

A collection of contemporaneous pamphlets relating to Dutch history from 1600 to 1850 is to be found in the New York Public Library (40 Lafayette place, New York City).

In the library of Yale University (New Haven, Conn.) there is an interesting group of books on the history of Leyden.

The Library of Congress (Washington, D. C.) is rich in works on this subject.

The valuable library of the Holland Society of New York is deposited in the Columbia University Library.

#### NUMISMATICS.

Some years ago the Boston Numismatic Society presented its valuable collection of books and pamphlets to the Boston (Mass.) Public Library.

The Johns Hopkins University (Baltimore, Md.) is the owner of the collection of books made by the late Henry Phillips, jr., of Philadelphia, a leading authority in this country on numismatics. It comprises 750 bound volumes (some of which are in manuscript) and a number of pamphlets. However, not all of these relate to numismatics.

The American Numismatic Society, of 17 West Twenty-third street, New York, owns more than 2,500 volumes and 10,000 pamphlets.

#### THE OTTOMAN EMPIRE.

The collection of books in the Harvard Library (Cambridge, Mass.) on the Ottoman Empire is undoubtedly one of the richest ever accumulated on this subject. At present it comprises nearly 3,500 volumes and pamphlets, and it is growing rapidly. In the collection are numerous manuscripts and incunabula and other printed books, many of extreme rarity. The greatest strength of the collection is the number of contemporary pamphlets in Latin, German, French, and Italian, descriptive of events in the various wars against the Turks. There are, for example, 160 titles on the battle of Lepanto (1571), and more than 80 volumes or pamphlets on the siege of Vienna (1683). Much of this material is from the library of the late Count Paul Riant, member of the French Academy. A description of this part of the collection is given in the printed Catalogue of the Riant Library (Paris, 1899, 2 vols., 8°). The collection also includes 445 volumes from the Library of M. Charles Shefer, of Paris. Further accessions are being constantly made. (See Bibliographical Contributions, No. 55, Harvard University.)

The Robert Garrett deposit of Oriental manuscripts in Princeton University Library contains nearly 2,000 manu-

scripts, chiefly in Arabic and Turkish, and including many works of history, biography, geography, and travels, as well as on the Mohammedan religion. The excellent working collection of the Semitic Seminary, in connection with this, contains books helpful in the study of these manuscripts. Yale University Library also has a substantial collection of such manuscripts.

#### PERIODICALS AND PUBLICATIONS OF LEARNED SOCIETIES.

For libraries containing the various periodicals relating to European history, consult the joint lists of periodicals, such as that for Boston and vicinity, published by Boston Public Library; for Chicago and vicinity, published by the John Crerar Library; for California, published by the University of California; for Washington, published by the Library of Congress; and for New York the classified lists printed in the New York Public Library Bulletin, together with the now somewhat outdated joint lists prepared by the New York Library Club.

#### POLITICAL AND SOCIAL SCIENCES.

In this department Yale University (New Haven, Conn.) acquired in 1871 the library of Robert von Mohl, the eminent writer in this field. The collection contains about 5,000 volumes and 1,000 pamphlets, of which 1,500 volumes deal with the public law of Germany, England, France, and other States. There are also 300 volumes on international law and 300 volumes on statistics.

The Rau collection in the library of the University of Michigan (Ann Arbor, Mich.) embraces all the most valuable literature on political science and kindred topics. It was built up by Professor Rau, of the University of Heidelberg, and numbers more than 4,000 volumes and 2,000 pamphlets.

The President White Library, at Cornell University (Ithaca, N. Y.), although mainly historical in character, is rich in works in the subsidiary fields of political and social science.

A special collection in the library of Princeton (N. J.) University is the library of political science and jurisprudence established by the class of 1883.

The libraries of the universities of Wisconsin and Missouri are reported strong in this department.

The New York Public Library Bulletins contain (vol. 4, 1900, pp. 139-142) periodicals relating to communism and (vol. 8, 1904, pp. 22-198) Miss Hasse's valuable list on Constitutions and Political Rights.

See also the collections listed under "Diplomacy," "International law," etc., nearly all of which might be listed under this head. The Columbia University Library collections described under these heads are, for example, of greater importance than any of the above-mentioned collections.

#### PRESBYTERIAN CHURCH.

The Union Theological Seminary collections on Presbyterianism are especially noteworthy. Princeton Theological Seminary, the Presbyterian Historical Society, Philadelphia, and Presbyterian theological seminaries in general have considerable specialized collections in comparison with those of the general libraries.

#### THE REFORMATION (PROTESTANT).

This period is well represented in a number of libraries. First among these should be mentioned the President White Library, at Cornell University (Ithaca, N. Y.), whose wealth of materials has required a special catalogue of 100 pages, entitled "The Protestant Reformation and its Forerunners." A catalogue has also been issued of the rich collection of "portraits of the reformers" to be found in the White Library.

In 1898 the library of Columbia University (New York City) received a large special sum for works on the German Reformation, thus increasing collections already extensive in this field.

The church history library at the University of Chicago (Ill.) is well equipped in Reformation history, and its materials are supplemented by collections on the Italian and French phases of the subject in the Newberry Library (Chicago, Ill.), and by certain rare prints of the time of the Reformation and by other works in the Schneider library

of German authors at Northwestern University (Evanston, Ill.).

The Case Library, of the Hartford Theological Seminary, has very extensive collections on the Lutheran and Swiss reformations and on Schwenkfeld and the Reformation by the Middle Way. It is also the depository of the important collection of the Schwenkfeldian Church on this aspect of German Reformation history. The Lutheran Historical Society and the Lutheran Historical Seminary at Gettysburg, Pa., have important collections on the Lutheran Reformation.

The General Theological Library of Boston, the University of North Carolina, the Rochester Theological Seminary, and the theological seminaries in general are strong in this branch.

The Herring Library, of St. Lawrence University (Canton, N. Y.), contains the Credner collection of about 3,000 volumes, rich in Reformation literature.

In the Trendelenberg collection in the library of Princeton (N. J.) University is a group of 103 pamphlets published between 1518 and 1535, largely fugitive literature of the early German Reformation.

#### ROMAN CATHOLIC CHURCH.

The Lemmonier Library of the University of Notre Dame (Notre Dame, Ind.), has a large collection, strong in Roman Catholic newspapers and magazines.

The Cathedral Free Circulating Library in New York has very admirable collections in this.

Danville Theological Seminary (Danville, Ky.) contains the Breckenridge collection on Roman Catholic controversy.

The Union Theological Seminary, the University of Vermont Library, the Roman Catholic seminaries and colleges in general, and the Protestant theological seminaries in general, to the end of the Reformation period, are strong here.

See also Jansenists, Jesuits, Reformation.

#### SCANDINAVIAN HISTORY.

The largest American library in this field is undoubtedly the collection presented to Yale (New Haven, Conn.) in 1896 by Mrs. Henry Farnam. It was brought together by

the late Paul Riant, and embraces 5,000 volumes, 50 manuscripts, and 16,000 dissertations of the Swedish universities. It is strongest on the side of history, though geography and early Icelandic literature are also well represented. (See Report of the President of Yale University for the year ending December 31, 1896, p. 105.)

The present extent of the collection of Scandinavian literature and history at Harvard University (Cambridge, Mass.) is 3,675 volumes. It is especially strong in the old Norse literature, mythology, and history, but is being rapidly built up in the division of modern Scandinavian writers by the annual gifts of Mrs. E. C. Hammer, of Boston. It has recently been strengthened by the addition of the Maurer collection, which contains 2,388 titles and includes the richest known collection on Scandinavian legal history.

The Fiske collection of Icelandic literature has recently been left to the Cornell University Library.

The Marsh Library, of the University of Vermont, is strong in Scandinavian literature.

#### SLAVIC HISTORY.

In 1896 the special collection of Russian books in the Yale Library (New Haven, Conn.) had grown to 6,000 volumes. It was begun some years ago by a friend of the university, who has continued to make yearly additions. The most important feature of the collection is the large number of periodical publications, both those of a general character and those issued by learned societies and Departments of the Government. In the year named there were 153 such serials, embracing about 4,000 volumes. The governmental publications included those of the ministry of war, 140 volumes; those of the ministry of marine, 308 volumes; those of the ministry of public instruction, 360 volumes, etc. The collection is rich in Russian and other Slavonic bibliography. The number of volumes on history and geography is perhaps over 500, 100 of these dealing with Alaska alone. One hundred and ninety-one maps issued by the War Department should be included. (Report of the President of Yale, 1896, p. 107.)



The Slavic collection in the library of Harvard University (Cambridge, Mass.) numbered 6,100 volumes in 1903. It covers the literature, history, and geography of the Slavic nations, and was founded in 1895 by Prof. A. C. Coolidge, who has continued to make valuable additions ever since. There is considerable historical material in the Slavic languages, but works in English, French, and German constitute the main strength of the collection. Special mention should be made of the books on Poland and of a group of about 100 volumes on Nihilism.

The library of Cornell University (Ithaca, N. Y.) has been the recipient of two gifts of works on Russian history. The first of these came in 1884 from Hon. Eugene Schuyler, the well-known writer on Russian history and author of a life of Peter the Great. It comprises 570 volumes, mainly historical. The second was presented in 1893 by ex-President Andrew D. White, formerly minister at the Court of St. Petersburg. It is a valuable collection of rare and costly works on Russian history. More recently Cornell has made large accessions to these groups of books. The university has long owned complete sets of the collections of the Russian Historical Society.

A list of works on Russia and Nihilism belonging to the Boston (Mass.) Public Library is given in the library's Bulletin, Vol. IV, first series, 57, 332, and a list on Russia, the Turks, and the Eastern question in the same publication, Vol. III, first series, 42, 244, and 46, 379.

A list of Russian and other Slavonic periodicals appears in the Bulletin of the New York Public Library (40 Lafayette place, New York City), Vol. VI, pp. 231-234.

The collection of Slovak literature at Harvard, brought together by Professor Weiner in the summer of 1901, includes 123 volumes and 1,567 pamphlets, and is probably the largest collection of the kind in existence.

The Tower Library, of the University of Pennsylvania, consists of 2,000 volumes in Russian literature and history.

#### SPANISH AND PORTUGUESE HISTORY.

The Boston (Mass.) Public Library has the books named in the Catalogue of the George Ticknor Collection on Spanish and Portuguese Literature, published in 1879. This

catalogue contains the titles of 5,359 works, of which 1,700 deal with history and allied subjects, as follows: Periodicals and transactions, 195; history, 372; history and geography, 415; biography, heraldry, etc., 170; law, politics, etc., 141; America, 374; and theology and ecclesiastical history, 33.

The fine and exhaustive collection of manuscripts, books, pictures, coins, etc., gathered by Mr. Archer M. Huntington, of New York, to illustrate Spanish history and life has been presented to the Hispanic Society of America, and will be housed in a building to be erected in Audubon Park, One hundred and fifty-fifth and One hundred and fifty-sixth streets (New York City). Mr. Huntington is one of the best authorities on Spanish subjects in America, and has been engaged in bringing together his great collection during a number of years. It is stated that the value of the collections and endowment for the new library museum is over \$1,000,000.

The manuscript and printed material used by the historian, William H. Prescott, in the preparation of his *Ferdinand and Isabella* are in the possession of the Harvard Library (Cambridge, Mass.), having been given to the library by Mr. Prescott.

A group of books illustrating the wars between Spain and the Netherlands will be found in the excellent collection on the history of the Netherlands and Dutch colonization in the Boston (Mass.) Athenæum. The Athenæum also has a considerable number of works on Spanish local history.

#### SWISS HISTORY.

The origin of the collection on Swiss history and institutions at the Johns Hopkins University (Baltimore, Md.) sprang from Professor Bluntschli's library given to the university by German citizens of Baltimore in 1882. This library included 475 volumes, 700 pamphlets, and 20 manuscripts relating to Switzerland. This acquisition was augmented a few years later (1887) by the presentation of extensive collections of books and pamphlets by the Federal Council of Switzerland. These included public documents, official papers, maps, etc., amounting to about 800 titles. A detailed statement of these accessions is printed in the University's Circular, No. 62.

There is a large collection of the writings of the European reformers, including those of Switzerland, in the Rochester (N. Y.) Theological Seminary.

The Dartmouth College Library has a small special collection on Calvin and Geneva.

The library of the Appalachian Mountain Club contains a considerable collection of books, pamphlets, maps, and photographs.

See also the collections mentioned under "Reformation."

#### THE THIRTY YEARS' WAR.

The acquisition of a number of works on Gustavus Adolphus and the Thirty Years' war is reported in the reports of the president and faculty of Western Reserve University for 1897-98. (See p. 74.)

Harvard University has lately received a collection of 63 contemporary pamphlets on this subject.

Cornell University Library has special material on this subject.

#### UNIVERSALIST CHURCH.

The library of the Universalist Historical Society is in the Tufts College (Massachusetts) Library.

The Herring Library, of St. Lawrence University (Canton, N. Y.), has a large collection of Universalist periodicals and pamphlets.

#### THE WALDENSES.

There is an interesting and valuable group of copies of Waldensian manuscripts in the Rochester (N. Y.) Theological Seminary.

#### WITCHCRAFT, DEMONOLOGY, SPIRITUALISM, ETC.

The President White Library, at Cornell University (Ithaca, N. Y.), contains an extensive collection on these subjects, provided with a special catalogue.

The Newberry Library, of Chicago, contains the Poole collection on demonology and witchcraft.

The Henry Seybert library of modern spiritualism in the University of Pennsylvania Library contains about 1,500 books on that and kindred subjects.

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